



Journal of the House

State of Indiana

115th General Assembly

First Regular Session

Nineteenth Meeting Day

Thursday Afternoon

February 15, 2007

The House convened at 1:00 p.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker stated, "Having conferred with the Attorney General and no objection raised, the temporary House policy while the prayer lawsuit is pending in the courts will be a scripted prayer."

The Speaker read a prayer for Health and Well-being (printed January 11, 2007).

The Pledge of Allegiance to the Flag was led by Representative Matthew D. Whetstone.

The Speaker ordered the roll of the House to be called:

Austin	Gutwein
Avery	E. Harris
Bardon	T. Harris
Battles	Herrell
Behning	Hinkle
Bell	Hoy
Bischoff	Kersey
Borders	Klinker
Borror	Knollman
Bosma	Koch
C. Brown	Kuzman
T. Brown	L. Lawson
Buck	Lehe
Buell	Leonard
Burton	Lutz
Candelaria Reardon	Mays
Cheatham	McClain
Cheney	Micon
Cherry	Moses
Cochran	Murphy
Crawford	Neese
Crooks	Niezdowski
Crouch	Noe
Davis	Orentlicher
Day	Oxley
Dembowski	Pelath
Denbo	Pflum
Dermody	Pierce
Dickinson	Pond ☐
Dobis	Porter
Dodge	Reske
Duncan	Richardson
Dvorak	Ripley
Eberhart	Robertson
Elrod	Ruppel
Espich	Saunders
Foley	M. Smith
Friend	V. Smith
Frizzell ☐	Soliday
Fry ☐	Stemler ☐
GiaQuinta	Stevenson
Goodin	Stilwell
Grubb	Stutzman

Summers
Thomas
Thompson
Tincher
Torr
Turner
Tyler

Ulmer
VanHaaften
Walorski
Welch
Whetstone
Wolkins
Mr. Speaker

Roll Call 115: 96 present; 4 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 19, 2007, at 1:00 p.m.

GOODIN

Motion prevailed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1038

Representative Tyler called down Engrossed House Bill 1038 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 116: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Errington and Lanane.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

Engrossed House Bill 1042

Representative Orentlicher called down Engrossed House Bill 1042 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 117: yeas 85, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Delph.

Engrossed House Bill 1060

Representative Avery called down Engrossed House Bill 1060 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Representatives Austin, Battles, Cheatham, Duncan, Kersey, Klinker, Robertson, Ruppel, Thomas, and Wolkins were excused from voting, pursuant to House Rule 46. Roll Call 118: yeas 82, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Meeks, Hume, and Gard.

With consent of the members, the Speaker returned to reports from committees

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Interstate and International Cooperation, to which was referred House Bill 1009, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 2-5-28 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 28. Privatization Review Committee

Sec. 1. The definitions in IC 4-13-1.8 apply throughout this chapter.

Sec. 2. As used in this chapter, "committee" refers to the privatization review committee established by section 3 of this chapter.

Sec. 3. The privatization review committee is established to review privatization plans before the implementation date.

Sec. 4. (a) The committee consists of the following members:

(1) Three (3) members of the house of representatives, appointed by the speaker of the house of representatives.

(2) Three (3) members of the house of representatives, appointed by the minority leader of the house of representatives.

(3) Three (3) members of the senate, appointed by the president pro tempore of the senate.

(4) Three (3) members of the senate, appointed by the minority leader of the senate.

(5) Three (3) members of the public, appointed jointly by the chairman and the vice chairman of the legislative council as follows:

(A) One (1) representative of labor.

(B) One (1) representative of the business community.

(C) One (1) representative of a public university of the state.

(b) Not more than two (2) members appointed under subsection (a)(5) may be members of the same political party.

(c) The term of a member is four (4) years.

(d) If a legislative member of the committee ceases to be a member of the chamber from which the member was appointed, the member also ceases to be a member of the committee.

(e) A legislative member of the committee may be removed at any time by the appointing authority who appointed the legislative member.

(f) If a vacancy exists on the committee, the appointing

authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy.

Sec. 5. (a) Each member of the committee who is not a member of the general assembly is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the committee who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council.

Sec. 6. The chairman of the legislative council shall appoint a member of the committee to serve as the committee's chair. Whenever there is a new chairman of the legislative council, the new chairman may remove the committee's chair and appoint another chair.

Sec. 7. The committee shall hold hearings to do the following:

(1) Review the plan of a state agency that proposes to enter into a privatization contract that has a total value greater than ten million dollars (\$10,000,000).

(2) Make advisory recommendations to the governor regarding the agency's plans.

Sec. 8. The committee may meet at any time during the year upon the call of the chair.

Sec. 9. The affirmative votes of a majority of the members of the committee are required for the committee to take action on any recommendation.

Sec. 10. The legislative services agency shall staff the committee.

Sec. 11. The expenses of the committee shall be paid from appropriations made to the legislative council or the legislative services agency.

Sec. 12. Except as provided in this chapter, the committee shall operate under the policies governing study committees adopted by the legislative council.

SECTION 2. IC 4-3-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in this chapter,

(~~†~~) "agency" means ~~any~~ an executive or administrative department, commission, council, board, bureau, division, service, office, officer, administration, or other establishment in the executive or administrative branch of the state government not provided for by the Constitution of the State of Indiana. The term "agency" does not include any of the following:

(1) The secretary of state.

(2) The auditor of state.

(3) The treasurer of state.

(4) The lieutenant governor.

(5) The state superintendent of public instruction. ~~and~~

(6) The attorney general. ~~nor~~

(7) The departments of which they are, an officer described in any of subdivisions (1) through (6), by the statutes first adopted setting out their the officer's duties, is the administrative heads: head.

(b) "Private sector person" has the meaning set forth in IC 4-13-1.8-4.

(c) "Privatization contract" has the meaning set forth in IC 4-13-1.8-6.

(~~2~~) (d) "Reorganization" means any of the following:

(~~A~~) (1) The transfer of the whole or any part of any an agency, or of the whole or any part of the functions thereof, of an agency, to the jurisdiction and control of any other another agency.

~~(B)~~ (2) The abolition of all or any part of the functions of ~~any an~~ agency.

~~(C)~~ (3) The consolidation or coordination of the whole or any part of ~~any an~~ agency, or of the whole or any part of the functions ~~thereof, of an agency~~, with the whole or any part of ~~any other another~~ agency or the functions ~~thereof, of another agency~~.

~~(D)~~ (4) The consolidation or coordination of any part of ~~any an~~ agency or the functions ~~thereof of an agency~~ with any other part of the same agency or the functions ~~thereof, of the same agency~~.

~~(E)~~ (5) The authorization of ~~any an~~ officer to delegate any of ~~his the officer's~~ functions. ~~or~~

~~(F)~~ (6) The abolition of the whole or any part of ~~any an~~ agency which agency or part does not have, or upon the taking effect of a reorganization plan will not have, any functions.

(7) The awarding of a privatization contract that satisfies both of the following:

(A) The contract has a value of more than one hundred million dollars (\$100,000,000).

(B) The term of the contract is more than two (2) years.

SECTION 3. IC 4-3-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The governor shall examine, and from time to time reexamine, the organization of all agencies of the state government, and shall determine what changes ~~therein in the organization of the agencies of state government~~ are necessary to accomplish the following purposes:

(1) To promote the better execution of the laws, the more effective management of the executive and administrative branch of the government and of its agencies and functions, and expeditious administration of the public business.

(2) To reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the government.

(3) To increase the efficiency of the operations of the government to the fullest extent practicable.

(4) To group, coordinate, and consolidate agencies and functions of the government, as nearly as possible according to major purposes.

(5) To reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish ~~such~~ agencies or functions ~~thereof of agencies~~ as may not be necessary for the efficient conduct of the government.

(6) To eliminate overlapping and duplication of effort.

(7) To increase the control of the electorate over the policy making functions of government.

(b) The general assembly declares that the public interest demands the carrying out of the purposes specified in this section, and that these purposes may be accomplished in great measure by proceeding under ~~the provisions of~~ this chapter.

SECTION 4. IC 4-3-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) **This section applies** whenever the governor, after investigation, finds that

(1) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency;

(2) the abolition of all or any part of the functions of any agency;

(3) the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof;

(4) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the

same agency or the functions thereof;

(5) the authorization of any officer to delegate any of that officer's functions; or

(6) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of the reorganization plan will not have any functions;

a reorganization is necessary to accomplish one (1) or more of the purposes of this chapter.

(b) **If this section applies**, the governor shall **do the following**:

(1) Prepare a reorganization plan for accomplishing the changes in government indicated by the governor's findings included in the plan. ~~and shall~~

(2) Submit the plan in an electronic format under IC 5-14-6 to the general assembly, together with a declaration that, with respect to each reorganization included in the plan the governor has found that the reorganization is necessary to accomplish one (1) or more of the purposes of this chapter.

(c) The governor, in the message submitting a reorganization plan, ~~shall specify~~, **must state both of the following**:

(1) With respect to each abolition of a function included in the plan, the statutory authority for the exercise of the function. ~~and shall specify~~

(2) The reduction of expenditures which it is probable will be brought about by the taking effect of the reorganizations included in the plan.

(d) **After submission of the governor's reorganization plan, the privatization review committee shall review the plan as provided in IC 2-5-28 if the reorganization is the awarding of a privatization contract described in section 2(d)(7) of this chapter.**

SECTION 5. IC 4-3-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) ~~Any~~ A reorganization plan submitted by the governor under this chapter ~~(a) shall may~~:

(1) change, in cases ~~he deems the governor considers~~ necessary, the name of ~~any an~~ agency affected by ~~a the~~ reorganization and the title of ~~its the agency's~~ head; and ~~shall~~

(2) designate the name of ~~any the~~ agency resulting from ~~a the~~ reorganization and the title of ~~its the agency's~~ head.

(b) **A reorganization plan** may include provisions for the appointment and compensation of the head and one (1) or more other officers of ~~any an~~ agency, including an agency resulting from a consolidation or other type of reorganization, if the governor finds, and in ~~his the governor's~~ message submitting the plan declares, that by reason of a reorganization made by the plan such provisions are necessary. The **agency** head so provided for may be an individual or ~~may be~~ a commission or board with two (2) or more members. The terms of office of ~~any an~~ appointee ~~shall may~~ not be fixed at more than four (4) years. The compensation ~~shall may~~ not be **at a rate in excess of greater than** that found by the governor to prevail in respect of comparable officers in the executive and administrative branch.

(c) ~~shall~~ **A reorganization plan must** make provisions for the transfer or other disposition of the records, property, and personnel affected by ~~any the~~ reorganization.

(d) ~~shall~~ **A reorganization plan must** make provision for the transfer of ~~such~~ unexpended balances of appropriations, and of other funds, available for use in connection with any function or agency affected by ~~a the~~ reorganization, as ~~he deems necessary because of the reorganization for use in connection with the functions affected by the reorganization, or for the use of the agency which has such functions after the reorganization plan is effective. Transferred unexpended balances so transferred shall may~~ be used only for the purposes for which the appropriation was originally made.

(e) ~~shall~~ **A reorganization plan must** make provision for

terminating the affairs of any agency abolished. and

(f) ~~shall~~ **A reorganization plan must** enumerate all statutes which may be repealed if the reorganization plan becomes effective.

SECTION 6. IC 4-3-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) ~~Each~~ **A reorganization plan shall be presented by the governor to the general assembly in the form of must include a bill that if enacted by the general assembly:**

(1) would authorize the reorganization; and

(2) if necessary, would make any statutory changes required to implement the reorganization.

(b) ~~Each~~ **A reorganization plan so submitted by the governor shall take effect only if and when it the bill is enacted as a law by the general assembly in accordance with the Constitution of the State of Indiana.**

(c) **A privatization contract described in section 2(d)(7) of this chapter entered into in violation of this chapter is void.**

SECTION 7. IC 4-3-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) **As used in this section, "action" refers to an authorization, a designation, a directive, a determination, an order, a permit, a policy, a privilege, a regulation, a requirement, a rule, or any other action.**

(a) ~~(b)~~ **An act and any regulation or other action made, prescribed, issued, granted, or performed in respect of or by any an agency or function affected by a reorganization under this chapter, before the effective date of the reorganization, shall, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law or by the abolition of a function, have has the same effect as if the reorganization had not been made. If any such act, regulation, or other an action has vested the function in the agency from which it is removed under the plan, the function shall, insofar as it is to be exercised after the plan becomes effective, be considered as vested in the agency under which the function is placed by the plan.**

(b) **As used in this section, "regulation or other action" means any regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.**

SECTION 8. IC 4-3-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. ~~No~~ (a) **A legal action, or other proceeding lawfully commenced by or against the head of any an agency or other an officer of the state, in his the officer's official capacity or in relation to the discharge of his the officer's official duties, shall does not abate by reason of the taking effect of any a reorganization plan under the provisions of this chapter. The**

(b) **A court may, on motion or supplemental petition filed at any time within twelve (12) months after the reorganization plan takes effect, showing a necessity for a survival of the action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the successor of such head the agency or officer under the reorganization effected by the plan or, if there is no successor, against such the agency or officer as the governor shall designate.**

SECTION 9. IC 4-13-1.8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 1.8. Privatization Contracts

Sec. 1. This chapter applies to a privatization contract that has a total dollar amount greater than ten million dollars (\$10,000,000).

Sec. 2. As used in this chapter, "committee" refers to the privatization review committee established by IC 2-5-28-3.

Sec. 3. As used in this chapter, "implementation date" means the date on which a state agency transfers administration of a program to a private sector person that will operate the program.

Sec. 4. As used in this chapter, "private sector person" refers to a person not principally a part of or associated with a governmental unit.

Sec. 5. As used in this chapter, "privatization" refers to the transfer to a private sector person of a program currently provided or performed directly by the employees of a state agency.

Sec. 6. (a) As used in this chapter, "privatization contract" refers to a contract entered into by a state agency with a private sector person for the privatization of a program.

(b) **The term does not include contracting with a private sector person to provide services on a temporary or an emergency basis.**

Sec. 7. As used in this chapter, "program" means a legislatively or administratively created function, project, provision of services, or duty of a state agency.

Sec. 8. As used in this chapter, "state agency" has the meaning set forth in IC 4-13-1-1(b).

Sec. 9. Before a state agency enters into a privatization contract, the state agency must prepare a privatization plan that includes the following:

(1) **A description of the program to be privatized, including a reference to the legal authority under which the program was created.**

(2) **Detailed budget information that includes a list of revenues and expenditures for the two (2) most recent fiscal years.**

(3) **A list of:**

(A) **all state employees currently employed by the state agency to administer the program; and**

(B) **the estimated effect of the privatization on the employment status of each state employee employed by the agency.**

(4) **A list of the:**

(A) **assets of the program; and**

(B) **proposed disposition of the assets.**

(5) **An estimate of:**

(A) **cost savings; or**

(B) **additional costs;**

resulting from privatizing the program compared to the costs of the existing program. Cost estimates must include the estimated cost to the state for inspection, supervision, and monitoring of the program if the privatization is implemented. The estimate must also include an estimate of any costs that would be incurred if the privatization contract is discontinued.

(6) **An estimate of the changes in individual wages and benefits that will result from the privatization.**

(7) **Descriptions and plans for ways the privatization will deliver the same or better services at a lower cost.**

(8) **Information on whether the contract will be awarded to an out-of-state business (as defined in IC 4-13.6-6-2.5 and IC 5-22-15-20(b)).**

Sec. 10. (a) Not less than sixty (60) days before a privatization plan becomes effective, the state agency must submit the plan to the committee.

(b) **The committee shall hold a hearing on the privatization plan not less than thirty (30) days before the date on which the privatization plan becomes effective.**

(c) **The committee shall make an advisory recommendation concerning the privatization plan to the governor not later than five (5) days after the hearing held under subsection (b). The committee shall forward a copy of the recommendation under this subsection to the legislative council in an electronic format under IC 5-14-6.**

SECTION 10. IC 4-13-2-14.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.4. (a) **As used in this section, "cost benefit analysis" means a comprehensive study to identify and compare the total cost, quality, technical expertise, and timeliness of a service**

performed by a state employee with the total cost, quality, technical expertise, and timeliness of the same service provided under a contract for services.

(b) Before a state agency may enter into a contract for services to be provided in lieu of appointing employees to available positions, the agency must justify the cost effectiveness of the contract to the commissioner of the department of administration and conduct a cost benefit analysis.

(c) The cost benefit analysis required by subsection (b) must be:

- (1) submitted to the commissioner;
- (2) submitted to the legislative council; and
- (3) made available to the public;

at least ninety (90) days before the effective date of the contract. The analysis submitted to the legislative council must be in an electronic format under IC 5-14-6.

(d) The commissioner of the Indiana department of administration shall twice each year compile and make available for public inspection a report concerning the cost benefit analysis of each contract for services awarded by each state agency. Before February 1 of each year, the commissioner shall compile and make available a report covering the six (6) month period ending December 31 of the preceding calendar year. Before August 1 of each year, the commissioner shall compile and make available a report covering the six (6) month period ending June 30 of that year. The commissioner shall also submit a copy of the report to the legislative council in an electronic format under IC 5-14-6.

SECTION 11. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "committee" refers to the privatization review committee established by IC 2-5-28-3, as added by this act.

(b) Each appointing authority specified in IC 2-5-28-4, as added by this act, shall make appointments to the committee under IC 2-5-28-4, as added by this act, not later than three (3) weeks after the effective date of this SECTION.

(c) This SECTION expires July 1, 2007.

SECTION 12. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 4-13-2-14.4(c), as amended by this act, the commissioner of the Indiana department of administration is not required to file a report concerning the cost benefit analysis of each contract for services until February 1, 2008.

(b) This SECTION expires July 1, 2008.

SECTION 13. An emergency is declared for this act.

(Reference is to HB 1009 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

E. HARRIS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1115, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 15-5-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) An owner of a dog commits a Class C misdemeanor if the owner recklessly, knowingly, or intentionally fails to take reasonable steps to restrain the dog and:

- (1) the dog enters property other than the property of the dog's owner; and
- (2) as the result of the failure to restrain the dog, the dog bites or attacks another person resulting in unprovoked

bodily injury to the other person;
except as provided in subsection (b).

(b) The offense under subsection (a) is:

(1) a Class B misdemeanor if the person has been convicted of one (1) previous unrelated violation of this section;

(2) a Class A misdemeanor if:

(A) the person has been convicted of more than one (1) previous unrelated violation of this section; or

(B) the violation results in serious bodily injury to a person;

(3) a Class D felony if the owner recklessly violates this section and the violation results in the death of a person; and

(4) a Class C felony if the owner intentionally or knowingly violates this section and the violation results in the death of a person.

(c) An owner of a dog commits a Class C infraction if the owner of the dog allows the dog to stray beyond the owner's premises, unless the dog is under the reasonable control of an individual or the dog is engaged in lawful hunting and accompanied by the owner or a custodian of the dog. However, this subsection does not apply to a dog that goes beyond the owner's premises onto agricultural or forested land.

(Reference is to HB 1115 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

PFLUM, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1116, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 15, delete "a course" and insert "training".

Page 2, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 2. IC 20-34-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 5. Care of Students With Diabetes

Sec. 1. As used in this chapter, "care assistant" means a school employee who:

- (1) is not a licensed health care professional; and
- (2) has successfully completed the training required under section 10 of this chapter.

Sec. 2. As used in this chapter, "diabetes management and treatment plan" means a plan prepared under section 7 of this chapter.

Sec. 3. As used in this chapter, "individualized health plan" means a coordinated plan of care designed to meet the unique health care needs of a student with diabetes in a school setting.

Sec. 4. As used in this chapter, "licensed health care practitioner" means a nurse practitioner.

Sec. 5. As used in this chapter, "school employee" means an individual employed by:

- (1) a public school or an accredited nonpublic school;
- (2) a local health department working with a school under this chapter; or
- (3) another entity with which a school has contracted to perform the duties required under this chapter.

Sec. 6. As used in this chapter, "student" refers to a student with diabetes.

Sec. 7. (a) A diabetes management and treatment plan must be prepared and implemented for a student with diabetes whose parent seeks care for the student's diabetes while the student is at school or participating in a school

activity. The plan must be developed by:

- (1) the student's parent; and
- (2) the licensed physician or licensed health care practitioner responsible for the student's diabetes treatment.

(b) A diabetes management and treatment plan must:

- (1) identify the health care services the student may receive at school;
- (2) evaluate the student's:
 - (A) ability to manage; and
 - (B) level of understanding of;
 the student's diabetes; and
- (3) be signed by the student's parent and the licensed physician or licensed health care practitioner responsible for the student's diabetes treatment.

(c) The parent of a student who seeks care for the student's diabetes while the student is at school or participating in a school activity shall submit a copy of the student's diabetes management and treatment plan to the school. The plan must be submitted to and be reviewed by the school:

- (1) before or at the beginning of a school year;
- (2) at the time the student enrolls, if the student is enrolled in school after the beginning of the school year; or
- (3) as soon as practicable following a diagnosis of diabetes for the student.

Sec. 8. (a) An individualized health plan must be developed for each student whose parent seeks care for diabetes while the student is at school or participating in a school activity. The school's principal and nurse, if the school has a nurse, shall develop a student's individualized health plan in collaboration with:

- (1) the student's parent;
- (2) to the extent practicable, the licensed physician or licensed health care practitioner responsible for the student's diabetes treatment; and
- (3) one (1) or more of the student's teachers.

(b) A student's individualized health plan must incorporate the components of the student's diabetes management and treatment plan. A school shall develop a student's individualized health plan upon receiving the student's diabetes management and treatment plan.

Sec. 9. (a) At each school in which a student with diabetes is enrolled, the school principal shall:

- (1) seek school employees to serve as care assistants; and
- (2) make efforts to ensure that the school has:
 - (A) at least one (1) care assistant if a full-time nurse is assigned to the school; and
 - (B) at least two (2) but not more than five (5) care assistants if a full-time nurse is not assigned to the school.

(b) A care assistant while providing health care services serves under the supervision and authorization of the principal and the school nurse, if the school has a nurse.

(c) A school employee may not be subject to any disciplinary action for refusing to serve as a care assistant.

Sec. 10. (a) The state department of health, with the assistance of interested parties, shall develop a training program that includes instruction in the following:

- (1) Recognizing the symptoms of hypoglycemia and hyperglycemia.
- (2) Understanding the proper action to take if the blood glucose levels of a student are outside the target ranges indicated on the student's diabetes management and treatment plan.
- (3) Understanding the details of a student's individualized health plan.
- (4) Performing finger sticks to check blood glucose

levels, checking urine ketone levels, and recording the results of the checks.

(5) Properly administering glucagon and insulin, and recording the results of the administration.

(6) Recognizing complications that require emergency medical assistance.

(7) Understanding recommended schedules and food intake for meals and snacks for a student, the effect of physical activity on blood glucose levels, and the proper action to be taken if a student's schedule referred to in this subdivision is disrupted.

(b) If a school nurse is assigned to a school, the school nurse shall coordinate the training of school employees acting as care assistants, using the training program developed under subsection (a).

(c) Training for care assistants must be provided by a health care professional with expertise in the care of individuals with diabetes or by a school nurse. The training must be provided before the beginning of the school year or as soon as practicable following:

- (1) the enrollment; or
- (2) the diagnosis;

of a student with diabetes at a school that previously had no students with diabetes.

(d) The school nurse or principal shall maintain a copy of the training program and the records of training completed by the school employees.

Sec. 11. (a) If a school nurse is assigned to a school and the nurse is available, the nurse shall perform the tasks necessary to assist a student in carrying out the student's individualized health plan.

(b) If a school nurse is not assigned to a school or the nurse is not available, a care assistant shall perform the tasks necessary to assist a student in carrying out the student's individualized health plan, in compliance with the training guidelines provided under section 10 of this chapter. A care assistant must have access to a health care professional with expertise in the care of individuals with diabetes or a principal must have access to the licensed physician or licensed health care practitioner responsible for the student's diabetes treatment if a care assistant acts under this subsection.

(c) A care assistant may act under this section only if the parent of the student signs an agreement that:

- (1) authorizes a care assistant to assist the student; and
- (2) states that the parent understands that, as provided under IC 34-30-14, a care assistant is not liable for civil damages for assisting in the student's care.

(d) A care assistant who assists a student under this section:

- (1) is not considered to be engaging in the practice of nursing;
- (2) is exempt from applicable statutes and rules that restrict activities that may be performed by an individual who is not a health care professional; and
- (3) may exercise reasonable judgment in deciding whether to contact a health care provider in a medical emergency involving a student with diabetes.

(e) A school corporation may not restrict the assignment of a student to a particular school on the basis that the school does not have the required care assistants.

Sec. 12. As provided in a student's individualized health plan, a school corporation shall allow the student to attend to the management and care of the student's diabetes, including but not limited to the following activities:

- (1) Performing blood glucose level checks.
- (2) Administering insulin through the insulin delivery system the student uses.
- (3) Treating hypoglycemia and hyperglycemia.
- (4) Possessing on the student's person at any time the

supplies or equipment necessary to monitor and care for the student's diabetes.

(5) Otherwise attending to the management and care of the student's diabetes in the classroom, in any area of the school or school grounds, or at any school related activity.

Sec. 13. A school shall provide the individual who is responsible for providing transportation for or supervising a student with diabetes during an off-campus school related activity an information sheet that:

- (1) identifies the student with diabetes;
- (2) identifies potential emergencies that may occur as a result of the diabetes and appropriate responses to an emergency; and
- (3) provides the telephone number of a contact in case an emergency occurs.

SECTION 3. IC 34-30-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. If compliance with sections 3 and 4 of this chapter has occurred, a school administrator, teacher, or other school employee designated by the school administrator, after consultation with the school nurse, who in good faith administers:

- (1) a nonprescription medication in compliance with the written permission of the pupil's parent or guardian, except in the case of a life threatening emergency;
- (2) a legend drug (as defined in IC 16-18-2-199 and including injectable insulin) in compliance with the:
 - (A) written order of a practitioner; and
 - (B) written permission of the pupil's parent or guardian, except in the case of a life threatening emergency;
- (3) a blood glucose test by finger prick in compliance with the written order of a practitioner; or
- (4) any combination of subdivisions (1) through (3);

to a pupil is not **personally** liable for civil damages **for any act that is incident to or within the scope of the duties of the employees position of employment or that involves the exercise of judgment or discretion on the part of the employee** as a result of the administration except for an act or omission amounting to gross negligence or willful and wanton misconduct."

Renumber all SECTIONS consecutively.
(Reference is to HB 1116 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1192, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 2.

Page 2, line 6, delete "to Property Owners" and insert "**of Release, Spill, or Overfill**".

Page 2, line 9, delete "This chapter applies to a person required to report:" and insert "**If the department receives a report concerning:**".

Page 2, line 13, delete "." and insert";".

Page 2, delete lines 14 through 35, begin a new line blocked left and insert:

"the department shall, not more than seven (7) days after receiving the report, provide notice of the release, spill, or overfill to the county health officer of each county in which the release, spill, or overfill occurred.

Sec. 3. Not more than seven (7) days after receiving a

notice from the department under section 2 of this chapter, a county health officer shall do the following:

(1) Publish notice of the release, spill, or overfill in a newspaper of general circulation in the county health officer's county.

(2) Provide any other notice of the release, spill, or overfill the county health officer considers necessary or appropriate.

Sec. 4. Notice provided by a county health officer under section 3 of this chapter must include:

(1) the same information reported to the department under 329 IAC 9-4-1(1) or 329 IAC 9-4-4(a); and

(2) any other information the county health officer considers necessary or appropriate."

Renumber all SECTIONS consecutively.

(Reference is to HB 1192 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1207, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1211, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1214, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 32-31-4-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.5. As used in this chapter, "storage facility" means a facility approved by a court for storage of a tenant's personal property under section 2(e) of this chapter.

SECTION 2. IC 32-31-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) A landlord has no liability for loss or damage to a tenant's personal property if the tenant's personal property has been abandoned by the tenant.

(b) For purposes of this section, a tenant's personal property is considered abandoned if a reasonable person would conclude that the tenant has vacated the premises and has surrendered possession of the personal property.

(c) An oral or a written rental agreement may not define abandonment differently than is provided in subsection (b).

(d) If a landlord is awarded possession of a dwelling unit by a court under IC 32-30-2, the landlord may seek an order from the court allowing removal of a tenant's personal property.

(b) (e) If the tenant fails to remove the tenant's personal property before the date specified in the court's order issued under subsection (a), (d), the landlord may remove the tenant's personal property in accordance with the order and deliver the personal property to a warehouseman under section 3 of this chapter **or to a storage facility approved by the court.**

SECTION 3. IC 32-31-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) If a tenant has failed to remove the tenant's personal property under section 2 of this chapter, a landlord may deliver the personal property to a warehouseman **or to a storage facility** if notice of both of the following has been personally served on the tenant at the last known address of the tenant:

(1) An order for removal of personal property issued under section 2 of this chapter.

(2) The identity and location of the warehouseman **or the storage facility.**

(b) At the demand of the owner of the exempt property, the warehouseman **or storage facility** shall release the exempt property to the owner without requiring payment from the owner at the time of delivery.

(c) A waiver of the provisions of section 1 of this chapter or subsection (b) by contract or otherwise is void.

SECTION 4. IC 32-31-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A warehouseman **or storage facility** that receives property under this chapter holds a lien on all of that property that is not exempt property to the extent of the expenses for any of the following incurred by the warehouseman **or storage facility** with respect to all of the property, whether exempt or not exempt:

(1) Storage.

(2) Transportation.

(3) Insurance.

(4) Labor.

(5) Present or future charges related to the property.

(6) Expenses necessary for preservation of the property.

(7) Expenses reasonably incurred in the lawful sale of the property.

(b) A tenant may claim the tenant's property at any time until the sale of the property under section 5 of this chapter by paying the warehouseman **or storage facility** the expenses described in this section.

SECTION 5. IC 32-31-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. If a tenant does not claim the tenant's property within ninety (90) days after receiving notice under section 3 of this chapter, a warehouseman **or storage facility** may sell the property received under this chapter under IC 26-1-7-210(2)."

Page 3, line 4, after "order;" insert "**or**".

Page 3, line 6, delete "unit; or" and insert "**unit**".

Page 3, delete line 7.

Re-number all SECTIONS consecutively.

(Reference is to HB 1214 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1254, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, delete line 42.

Page 7, delete lines 1 through 27.

Re-number all SECTIONS consecutively.

(Reference is to HB 1254 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

VAN HAAFTEN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Interstate and International Cooperation, to which was referred House Bill 1280, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-2.1-22-46, AS AMENDED BY P.L.1-2006, SECTION 152, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 46. (a) Notwithstanding any other provision of this chapter, common and contract carriers and other carriers engaged in the transportation of passengers or household goods for hire, over regular or irregular routes, whether operating pursuant to a certificate or permit or as an exempt carrier under section 2.1(5) of this chapter, shall file with the department proof of financial responsibility in the form of surety bonds or policies of insurance or shall qualify as a self-insured. The minimum level of financial responsibility required shall be **as follows:**

(1) **For contract carriers other than those described in subdivision (2), the minimum level established under 49 U.S.C. 13906(a)(1): 49 U.S.C. 31138.**

(2) **For contract carriers that transport railroad employees, at least five million dollars (\$5,000,000).**

(b) A person who violates this section commits a Class C infraction. However, the offense is a Class A misdemeanor if the person has a prior unrelated judgment for violating this section.

(c) In addition to any other penalty imposed upon a person for a conviction of a Class A misdemeanor under subsection (b), the law enforcement agency may impound the vehicles owned by the person. Unless the vehicle is impounded or forfeited under a law other than this section, the vehicle shall be released to the carrier when the carrier complies with this section.

(Reference is to HB 1280 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 1.

E. HARRIS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1337, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-41-37-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. A person who smokes:

(1) in a public building, except in an area designated as a smoking area under section 5 of this chapter;

(2) in the retail area of a grocery store or drug store that is designated as a nonsmoking area by the store's proprietor;

(3) in the dining area of a restaurant that is designated and posted as the restaurant's nonsmoking area by the restaurant's proprietor; ~~or~~

(4) in a school bus during a school week or while the school bus is being used for a purpose described in section 2.3(3) of this chapter;

(5) **in a public means of mass transportation, including a train, an airplane, a taxicab, or a bus; or**

(6) in an enclosed public mass transportation terminal or in a public area within one hundred (100) feet of an entrance to an enclosed public mass transportation terminal;

commits a Class B infraction. However, the violation is a Class A infraction if the person has at least three (3) previous unrelated judgments for violating this section that are accrued within the twelve (12) months immediately preceding the violation."

Page 2, after line 7, begin a new paragraph and insert:

"(e) A person may not be stopped, inspected, or detained solely to determine compliance with this section."

Renumber all SECTIONS consecutively.

(Reference is to HB 1337 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1358, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

AUSTIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1373, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 17, delete "," and insert **"and section 25.5 (c) of this chapter,"**.

Page 3, delete lines 35 through 37.

Page 3, line 38, reset in roman "(9)".

Page 3, line 38, delete "(10)".

Page 4, after line 20, begin a new paragraph and insert:

"SECTION 4. IC 8-23-20-25.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 25.5. (a) The department may adopt rules under IC 4-22-2 that provide for the issuance of a permit for a changeable message sign erected, operated, used, or maintained in areas described in section 25(a) of this chapter.

(b) A permit authorized by this section may not otherwise violate state or federal law or local ordinances or regulations.

(c) Until the department adopts rules under this section, a person may erect, operate, or use a changeable message sign in an area described in section 25(a) of this chapter, subject to any other requirements of state or federal law or local ordinances or regulations."

(Reference is to HB 1373 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1406, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, delete "marriage;" and insert **"marriage or is**

a godparent or stepparent of the child;".

(Reference is to HB 1406 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1428, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 8, delete "a course of education and".

Page 1, line 8, after "training" insert **"and education"**.

(Reference is to HB 1428 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1437, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1481, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 12, delete ":" and insert **"pay out of the punitive damages award attorney's fees to the attorney who represented the person to whom punitive damages were awarded, in the amount contracted for by the attorney and the person, and reasonable costs incurred by the person to whom punitive damages were awarded. After these attorney's fees and costs are paid, the clerk shall distribute the remainder of the punitive damages as follows:"**.

Page 1, strike line 13.

Page 1, line 14, delete "seventy-five".

Page 1, line 14, strike "percent".

Page 1, line 14, delete "(75%)".

Page 1, line 14, strike "of the punitive".

Page 1, strike line 15.

Page 1, line 16, strike "(2) pay the remaining".

Page 1, line 16, delete "twenty-five".

Page 1, line 16, strike "percent".

Page 1, line 17, delete "(25%)".

Page 1, line 17, strike "of the punitive damage award".

Page 1, line 17, delete "as follows:".

Page 2, delete lines 1 through 6.

Page 2, line 7, delete "award", begin a new line block indented and insert:

"(1) Seventy-five percent (75%) of the remainder to the person to whom punitive damages were awarded.

(2) Twenty-five percent (25%) of the remainder".

(Reference is to HB 1481 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 2.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Interstate and International Cooperation, to which was referred House Bill 1484, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 19, before "company" insert "a".

Page 2, line 21, after "Sec. 6." insert "(a)".

Page 2, line 24, delete "government." and insert **"government formed on or after October 13, 2006, including the coalition National Unity Government agreed upon in the Comprehensive Peace Agreement for Sudan."**

Page 2, between lines 24 and 25, begin a new paragraph and insert:

"(b) The term does not include the regional government of southern Sudan."

Page 2, line 31, after "fund;" insert "and".

Page 3, line 7, delete "supplies." and insert **"supplies provided directly or indirectly to any force actively participating in the conflict in Sudan."**

Page 4, between lines 17 and 18, begin a new line block indented and insert:

"(4) The facilitation of power production activities, including the provision of supplies or services in support of power production activities."

Page 4, line 23, delete "The" and insert **"Clauses (A) and (B) both apply to the"**.

Page 4, line 24, after "(A)" insert **"The company"**.

Page 4, line 32, delete ";" and insert ".".

Page 4, line 33, delete "has either" and insert **"Either"**.

Page 4, line 34, delete "oil".

Page 4, line 35, delete "related activities or mineral extraction".

Page 4, line 36, after "Sudan" insert **"involve oil-related activities or mineral extraction activities,"**.

Page 5, line 11, delete "for military purposes." and insert **"by forces actively participating in armed conflict in Sudan. This subdivision does not apply to companies involved in the sale of military equipment solely to the regional government of southern Sudan or any internationally recognized peacekeeping force or humanitarian organization."**

Page 5, line 36, after "through" insert **"engagement with"**.

Page 6, line 1, delete "shall take all" and insert **"may take any"**.

Page 6, line 16, delete "subsection" and insert **"subsections (b) and"**.

Page 6, line 30, after "operations" insert **"newly"**.

Page 6, line 39, after "Sec. 22." insert **"(a)"**.

Page 6, line 42, delete "list." and insert **"list and the provisions of sections 23, 24, 25, and 26 of this chapter shall cease to apply to the company unless the company resumes scrutinized business operations."**

Page 6, after line 42, begin a new paragraph and insert:

"(b) If within ninety (90) days after the fund first engages with a company under section 21 of this chapter, the company converts its scrutinized active business operations to inactive business operations, the company shall be subject to the provisions of section 20 of this chapter."

Page 7, line 17, after "operations," insert **"and only while the company continues to have active business operations,"**.

Page 7, line 33, delete "(a)".

Page 8, delete lines 3 through 4, begin a new paragraph and insert:

"Sec. 27. This chapter does not apply to private equity funds."

Page 8, line 5, delete "27." and insert **"28."**

Page 8, line 18, delete "28." and insert **"29."**

Page 8, line 24, after "against" insert **"the government of"**.

Page 8, line 40, delete "29." and insert **"30."**

Page 9, line 4, delete "30." and insert **"31."**

Page 9, line 25, delete "31." and insert **"32."**

Page 9, line 29, delete "IC 5-10.2-9-29," and insert **"IC 5-10.2-9-30,"**.

Page 10, line 30, delete "IC 5-10.2-9-29," and insert **"IC 5-10.2-9-30,"**.

(Reference is to HB 1484 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

E. HARRIS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1497, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1503, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Delete page 2.

Page 3, delete lines 1 through 12.

Page 3, delete lines 17 through 19.

Page 3, line 20, delete "2." and insert **"1."**

Page 3, line 22, delete "3." and insert **"2."**

Page 3, line 25, delete "4." and insert **"3."**

Page 4, delete lines 4 through 27.

Page 5, delete lines 17 through 20.

Page 5, line 34, delete "of the regional".

Page 5, line 35, delete "office of the state medical examiner".

Page 5, delete line 42.

Delete page 6.

Page 7, delete lines 1 through 31.

Page 7, line 41, delete "in the".

Page 7, line 42, delete "regional office of the state medical examiner".

Page 8, between lines 18 and 19, begin a new paragraph and insert:

"(e) If a coroner determines an autopsy report described in this chapter needs to be confidential due to a pending criminal investigation, the coroner must obtain the approval of the circuit or superior court of the county to make the report confidential."

Page 8, line 27, delete "in the regional office of".

Page 8, line 28, delete "the state medical examiner".

Page 8, delete lines 37 through 40.

Page 8, line 41, delete "(f)" and insert **"(e)"**.

Page 9, line 9, delete "(g)" and insert **"(f)"**.

Page 9, line 13, delete "(h)" and insert **"(g)"**.

Page 9, delete lines 18 through 42.

Delete pages 10 through 11.

Page 12, delete lines 1 through 2.

Page 12, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 14. IC 36-2-14-18, AS AMENDED BY P.L.141-2006, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) Notwithstanding IC 5-14-3-4(b)(1), when a coroner investigates a death, the office of the coroner is required to make available for

public inspection and copying the following:

- (1) The name, age, address, sex, and race of the deceased.
- (2) The address where the dead body was found, or if there is no address the location where the dead body was found and, if different, the address where the death occurred, or if there is no address the location where the death occurred.
- (3) The name of the agency to which the death was reported and the name of the person reporting the death.
- (4) The name of any public official or governmental employee present at the scene of the death and the name of the person certifying or pronouncing the death.
- (5) Information regarding an autopsy (requested or performed) limited to the date, the person who performed the autopsy, where the autopsy was performed, and a conclusion as to:
 - (A) the probable cause of death;
 - (B) the probable manner of death; and
 - (C) the probable mechanism of death.
- (6) The location to which the body was removed, the person determining the location to which the body was removed, and the authority under which the decision to remove the body was made.
- (7) The records required to be filed by a coroner under section 6 of this chapter and the verdict and the written report required under section 10 of this chapter.

(b) A county coroner or a coroner's deputy who receives an investigatory record from a law enforcement agency shall treat the investigatory record with the same confidentiality as the law enforcement agency would treat the investigatory record.

(c) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, video recording, or audio recording of the autopsy, upon the written request of the next of kin of the decedent or of an insurance company investigating a claim arising from the death of the individual upon whom the autopsy was performed. The insurance company is prohibited from publicly disclosing any information contained in the report beyond that information that may otherwise be disclosed by a coroner under this section. This prohibition does not apply to information disclosed in communications in conjunction with the investigation, settlement, or payment of the claim.

(d) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, a video recording, or an audio recording of the autopsy, upon the written request of:

- (1) the director of the division of disability and rehabilitative services established by IC 12-9-1-1;
- (2) the director of the division of mental health and addiction established by IC 12-21-1-1; or
- (3) the director of the division of aging established by IC 12-9.1-1-1;

in connection with a division's review of the circumstances surrounding the death of an individual who received services from a division or through a division at the time of the individual's death.

(e) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, including a photograph, a video recording, or an audio recording of the autopsy, to:

- (1) the department of child services established by IC 31-25-1-1, including an office of the department located in the county where the death occurred;
 - (2) the statewide child fatality review committee established by IC 31-33-25-6; or
 - (3) a county child fatality review team or regional child fatality review team established under IC 31-33-24-6 by the county or for the county where the death occurred;
- for purposes of the entities described in subdivisions (1) through (3) conducting a review or an investigation of the

circumstances surrounding the death of a child (as defined in IC 31-9-2-13(d)(1)) and making a determination whether the death of the child was a result of abuse, abandonment, or neglect."

Renumber all SECTIONS consecutively.

(Reference is to HB 1503 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1509, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 31, delete "An" and insert "**A civil**".

Page 2, line 31, delete "of" and insert "**for**".

Page 2, line 34, delete "court" and insert "**criminal no contact**".

Page 3, line 15, after "unit" insert "**upon the written request of the tenant**".

Page 3, line 17, delete "oral or written notice that the tenant is a protected" and insert "**a copy of a court order referred to in section 7(2) of this chapter**".

Page 3, delete line 18.

Page 3, line 24, delete "unit" and insert "**unit, upon the written request of the tenant**".

Page 3, line 25, delete "forty-eight (48)" and insert "**twenty-four (24)**".

Page 3, line 35, delete "to the perpetrator".

Page 3, line 36, delete "unit;" and insert "**unit under a court order**";

Page 3, line 37, delete "the perpetrator's".

Page 4, line 23, delete "an order of" and insert "**a civil order for**".

Page 4, line 26, delete "court" and insert "**criminal no contact**".

Page 4, line 40, after "rent" insert "**and other expenses**".

Page 5, between lines 10 and 11, begin a new paragraph and insert:

"(e) Notwithstanding section 13 of this chapter, a protected individual is entitled to deposits, returns, and other refunds as if the tenancy terminated by expiring under the terms of the rental agreement."

Page 5, line 17, after "unaffected." insert "**A landlord is not obligated to return or account for any security deposit associated with the rental agreement until forty-five (45) days after the tenancy of all tenants has terminated.**".

Page 5, line 23, after "of" insert "**a perpetrator or**".

(Reference is to HB 1509 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1510, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 17, after "organization" insert ".".

Page 2, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 3. IC 4-32.2-2-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18.5. "Full-time

employee" means an individual who:

- (1) is and has been employed by a particular qualified organization for at least ninety (90) consecutive days as of the date of the qualified organization's allowable event; and
- (2) works at least an average of thirty-two (32) hours per week or one thousand six hundred sixty-two (1,662) hours per year for the qualified organization."

Page 6, line 5, delete "newspapers" and insert "one (1) newspaper".

Page 6, line 6, delete "located, as provided in IC 5-3-1-6." and insert "located."

Page 6, line 7, delete "daily".

Page 6, line 39, after "if" insert "either of".

Page 7, line 12, delete "(h)".

Page 7, line 12, strike "If the commission is required to hold a public hearing on an".

Page 7, strike lines 13 through 15.

Page 7, delete lines 28 through 42.

Page 8, delete lines 1 through 3, begin a new paragraph and insert:

"(b) The commission may hold a public hearing to obtain input on the proposed issuance of an annual charity game night license to an applicant that has never held an annual charity game night license under this article.

(c) The first time that a qualified organization applies for an annual bingo license, the qualified organization shall publish notice that the application has been filed by publication at least two (2) times, seven (7) days apart, as follows:

- (1) In one (1) newspaper in the county where the qualified organization is located.
- (2) In one (1) newspaper in the county where the allowable events will be conducted.

(d) The notification required by subsection (c) must contain the following:

- (1) The name of the qualified organization and the fact that it has applied for an annual charity game night license.
- (2) The location where the charity game night events will be held.
- (3) The names of the operator and officers of the qualified organization.
- (4) A statement that any person can protest the proposed issuance of the annual charity game night license.
- (5) A statement that the commission shall hold a public hearing if ten (10) written and signed protest letters are received by the commission.
- (6) The address of the commission where correspondence concerning the application may be sent.

(e) If the commission receives at least ten (10) protest letters, the commission shall hold a public hearing in accordance with IC 5-14-1.5. The commission shall issue a license or deny the application not later than sixty (60) days after the date of the public hearing.

(f) A license issued under this section:

- (1) may authorize the qualified organization to conduct charity game night events on more than one (1) occasion during a period of one (1) year;
- (2) must state the locations of the permitted charity game night events;
- (3) must state the expiration date of the license; and
- (4) may be reissued annually upon the submission of an application for reissuance on the form established by the commission and upon the licensee's payment of a fee set by the commission.

(g) Notwithstanding subsection (f)(4), the commission shall hold a public hearing for the reissuance of an annual charity game night license if either of the following conditions is met:

(1) An applicant has been cited for a violation of law or a rule of the commission.

(2) The commission receives at least ten (10) protest letters concerning the qualified organization's charity game night operation."

Page 10, line 21, delete "A" and insert "Except as provided in IC 4-32.2-5-6(c), a".

Page 10, line 22, after "year" insert ".".

Page 10, line 22, strike "at which bingo events, charity game nights, raffle".

Page 10, line 23, strike "events,".

Page 10, line 23, strike "door prize events,".

Page 10, line 23, delete "or other gambling events licensed".

Page 10, line 24, delete "under section 16 of this chapter".

Page 10, line 24, strike "are conducted and pull tabs,".

Page 10, strike line 25.

Page 10, line 33, after "conduct" insert "raffle events and".

Page 11, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 20. IC 4-32.2-4-14, AS ADDED BY P.L.91-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. A qualified organization may hold more than one (1) license at a time. ~~However, a qualified organization with multiple licenses may not hold a bingo event and raffle at the same event or at the same time and place unless, by express determination, the commission allows a qualified organization to do so. The commission may allow a qualified organization to conduct only one (1) event each year at which both bingo and a raffle may be held.~~"

Page 12, between lines 3 and 4, begin a new paragraph and insert:

"(d) The application for an annual PPT license must contain the following:

- (1) The name of the qualified organization.
- (2) The location where the qualified organization will sell pull tabs, punchboards, and tip boards.
- (3) The names of the operator and the officers of the qualified organization."

Page 12, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 23. IC 4-32.2-5-3, AS ADDED BY P.L.91-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) All net proceeds from an allowable event and related activities may be used only for the lawful purposes of the qualified organization.

(b) To determine the net proceeds from an allowable event, a qualified organization shall subtract the following from the gross receipts received from the allowable event:

- (1) An amount equal to the total value of the prizes, including door prizes, awarded at the allowable event.
- (2) The sum of the purchase prices paid for licensed supplies dispensed at the allowable event.
- (3) An amount equal to the qualified organization's license fees attributable to the allowable event.
- (4) An amount equal to the advertising expenses incurred by the qualified organization to promote the allowable event.
- (5) An amount not to exceed two hundred dollars (\$200) per day for rent paid for facilities leased for an allowable event."

Page 12, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 24. IC 4-32.2-5-8, AS ADDED BY P.L.91-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) ~~Except as provided in subsection (d),~~ If facilities are leased for an allowable event, the rent may not

~~(1) be based in whole or in part on the revenue generated from the event. or~~

(2) exceed two hundred dollars (\$200) per day.

(b) A facility may not be rented for more than three (3) days during a calendar week for an allowable event.

(c) If personal property is leased for an allowable event, the rent may not be based in whole or in part on the revenue generated from the event.

~~(d) If a qualified organization conducts an allowable event in conjunction with or at the same facility where the qualified organization or its affiliate is having a convention or other meeting of its membership, facility rent for the allowable event may exceed two hundred dollars (\$200) per day. A qualified organization may conduct only one (1) allowable event under this subsection in a calendar year.~~

SECTION 25. IC 4-32.2-5-12, AS ADDED BY P.L.91-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) Except as provided in subsection (b), an operator or a worker **who is not a full-time employee** may not receive remuneration for:

~~(1) preparing for;~~

~~(2) (1) conducting; or~~

~~(3) (2) assisting in conducting;~~

~~(4) cleaning up after; or~~

~~(5) taking any other action in connection with;~~

an allowable event.

(b) A qualified organization that conducts an allowable event may:

(1) provide meals for the operators and workers during the allowable event; and

(2) provide recognition dinners and social events for the operators and workers;

if the value of the meals and social events does not constitute a significant inducement to participate in the conduct of the allowable event.

SECTION 26. IC 4-32.2-5-16, AS ADDED BY P.L.91-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) Except as provided in subsection (b), a worker must be a member in good standing of a qualified organization that is conducting an allowable event for at least thirty (30) days at the time of the allowable event.

(b) A qualified organization may allow an individual who is not a member of the qualified organization to participate in an allowable event as a worker if **the individual is a full-time employee of the qualified organization that is conducting the allowable event or if:**

(1) the individual is a member of another qualified organization; and

(2) the individual's participation is approved by the commission.

A qualified organization may apply to the commission on a form prescribed by the commission for approval of the participation of a nonmember under this subsection. A qualified organization may share the proceeds of an allowable event with the qualified organization in which a worker participating in the allowable event under this subsection is a member. The tasks that will be performed by an individual participating in an allowable event under this subsection and the amounts shared with the individual's qualified organization must be described in the application and approved by the commission.

(c) For purposes of:

(1) the licensing requirements of this article; and

(2) section 9 of this chapter;

a qualified organization that receives a share of the proceeds of an allowable event described in subsection (b) is not considered to be conducting an allowable event."

Page 15, line 21, delete "8" and insert "8."

Page 15, after line 25, begin a new paragraph and insert:

"SECTION 30. IC 4-32.2-5-7 IS REPEALED [EFFECTIVE JULY 1, 2007]."

Renumber all SECTIONS consecutively.

(Reference is to HB 1510 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 3.

VAN HAAFTEN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred House Bill 1548, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-3.1-27-9.5, AS AMENDED BY P.L.122-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 9.5. **Except as provided in IC 6-3.1-28-11(c)**, the total amount of credits allowed under:

(1) section 8 of this chapter;

(2) section 9 of this chapter; and

(3) IC 6-3.1-28;

may not exceed fifty million dollars (\$50,000,000) for all taxpayers and all taxable years beginning after December 31, 2004. The corporation shall determine the maximum allowable amount for each type of credit, which must be at least four million dollars (\$4,000,000) for each type of credit."

Page 2, between lines 6 and 7, begin a new paragraph and insert:

"(c) The total amount of tax credits allowed under this chapter for a taxpayer who produces at least forty million (40,000,000) gallons of cellulosic ethanol is not subject to the maximum amount of tax credits imposed by IC 6-3.1-27-9.5."

Page 3, line 32, after "12." insert "(a)".

Page 3, between lines 34 and 35, begin a new paragraph and insert:

"(b) To receive a credit under this chapter, a taxpayer must have the amount of the taxpayer's expenditures for energy star heating and cooling equipment certified by the office of energy and defense development. The office of energy and defense development may not certify the amount of an expenditure if the certification would result in the amount of tax credits awarded under this chapter exceeding the amount of tax credits permitted under subsection (a).

Sec. 13. The office of energy and defense development shall implement procedures for issuing the certifications required under section 12 of this chapter."

Page 3, line 35, delete "13." and insert "14."

Page 4, delete lines 3 through 12.

Page 4, line 13, delete "3." and insert "1."

Page 4, line 17, delete "4." and insert "2."

Page 4, line 23, delete "5." and insert "3."

Page 4, delete line 25.

Page 4, line 26, delete "(2)" and insert "(1)".

Page 4, line 27, delete "(3)" and insert "(2)".

Page 4, line 28, delete "6." and insert "4."

Page 4, line 36, delete "7." and insert "5."

Page 4, line 41, delete "8." and insert "6."

Page 5, line 2, delete "9." and insert "7."

Page 5, line 4, delete "13" and insert "11".

Page 5, delete lines 19 through 34.

Page 5, line 35, delete "(c)" and insert "(b)".

Page 5, line 36, delete "13" and insert "11".

Page 6, line 8, delete "10." and insert "8."

Page 6, line 24, delete "11." and insert "9."

Page 6, line 28, delete "12." and insert "10."

Page 6, line 30, delete "13." and insert "11. (a)".

Page 6, between lines 32 and 33, begin a new paragraph and insert:

"(b) To receive a credit under this chapter, a taxpayer must have the amount of the taxpayer's expenditures for a renewable energy system certified by the office of energy and defense development. The office of energy and defense development may not certify the amount of an expenditure if the certification would result in the amount of tax credits awarded under this chapter exceeding the amount of tax credits permitted under subsection (a).

Sec. 12. The office of energy and defense development shall implement procedures for issuing the certifications required under section 11 of this chapter."

Page 6, line 33, delete "14." and insert "13."

Page 9, line 1, after "municipal wastes," insert "food wastes,".

Page 9, delete lines 7 through 10, begin a new paragraph and insert:

"Sec. 4. As used in this chapter, "Indiana fuel" means either of the following:

(1) Any of the following when the fuel is gasified, liquefied, or methanized:

(A) Biomass produced in Indiana.

(B) Indiana coal.

(C) Petroleum coke produced in Indiana.

(D) Oil shale located in Indiana.

(2) Coal mine methane when used in the production of power."

Page 9, delete lines 13 through 21.

Page 9, line 22, delete "7." and insert "6."

Page 9, line 26, delete "or".

Page 9, line 27, delete "partnership." and insert "partnership;

(5) a corporation organized under IC 8-1-13; or

(6) a corporation organized under IC 23-17-1 that:

(A) is an electric cooperative; and

(B) has at least one (1) member that is a corporation organized under IC 8-1-13."

Page 9, line 28, delete "8." and insert "7."

Page 9, between lines 29 and 30, begin a new paragraph and insert:

"Sec. 8. As used in this chapter, "qualified investment" means a taxpayer's expenditures for:

(1) all real and tangible personal property incorporated in and used as part of a facility used to produce energy from Indiana fuel; and

(2) transmission equipment and other real and personal property located at the site of the energy production facility that is employed specifically to serve the energy production facility."

Page 9, line 33, delete "and".

Page 9, line 34, after "tax)," insert "and

(4) IC 6-2.3 (the utility receipts tax);"

Page 10, between lines 18 and 19, begin a new line block indented and insert:

(4) Against the taxpayer's liability incurred under IC 6-2.3 (the utility receipts tax)."

Page 10, between lines 34 and 35, begin a new paragraph and insert:

"(c) If the credit allowed by this chapter is available to a member of an affiliated group of corporations filing a consolidated return under IC 6-2.3-6-5 or IC 6-3-4-14, the credit shall be applied against the state tax liability of the affiliated group."

Page 10, line 42, after "(2)" insert "in the case of a pass through entity described in:

(A) section 7(1), 7(2), 7(3), or 7(4) of this chapter,".

Page 11, line 1, delete "entitled." and insert "entitled; and

(B) section 7(5) or 7(6) of this chapter, the relative percentage of the corporation's patronage dividends allocable to the member for the taxable year."

Page 13, line 28, delete "The amount necessary to implement this chapter" and insert **"There"**.

Page 13, line 29, after "appropriated" insert **"two million dollars (\$2,000,000) from the state general fund"**.

Page 13, line 29, delete "." and insert **"for the purpose of implementing this chapter."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1548 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

RESKE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1654, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-6.1-39, AS AMENDED BY P.L.121-2006, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 39. (a) When a hospital acting under IC 16-21-8 provides a forensic medical exam to an alleged sex crime victim, the hospital shall furnish the forensic medical exam described in IC 16-21-8-6 without charge. The victim services division of the Indiana criminal justice institute shall reimburse a hospital for its costs in providing these services and shall adopt rules and procedures to provide for reasonable reimbursement. A hospital may not charge the victim for services required under this chapter, despite delays in reimbursement from the victim services division of the Indiana criminal justice institute.

(b) When a hospital acting under IC 16-21-8 provides additional forensic services to an alleged sex crime victim who cooperates with law enforcement under IC 16-21-8-5(b), ~~or IC 16-21-8-5(c)~~, the hospital shall furnish the additional forensic services without charge. The victim services division of the Indiana criminal justice institute shall reimburse a hospital for its costs in providing these services and may adopt rules and procedures to provide for reasonable reimbursement. A hospital may not charge the victim for services required under this chapter even if there is a delay in receiving reimbursement from the victim services division of the Indiana criminal justice institute.

(c) When a hospital acting under IC 16-21-8 provides additional forensic services to an alleged sex crime victim who does not cooperate with law enforcement under IC 16-21-8-5(b), ~~or IC 16-21-8-5(c)~~, the hospital may, with the victim's consent, seek reimbursement directly from the victim or any third party payer for any additional forensic services rendered by the hospital.

(d) Costs incurred by a hospital or other emergency medical facility for the examination of the victim of a sex crime (under IC 35-42-4) not covered under IC 16-21-8 or incest (under IC 35-46-1-3), if the examination is performed for the purposes of gathering evidence for possible prosecution, may not be charged to the victim of the crime. ~~The costs shall be treated as local costs and charged to the appropriate local governmental agency as follows:~~

(1) If the treatment or services are provided at a county or city hospital, or hospital district facility, the county shall pay the expenses;

(2) If the treatment or services are provided at a private hospital, the expenses are paid by the county in whose jurisdiction the alleged crime was committed;

(e) When a licensed medical service provider not covered by subsection (a) or (b) elects to provide a forensic medical exam to

an alleged victim of one (1) or more of the sex crimes listed in IC 16-21-8-1(b), the medical service provider shall furnish the exam without charge. The victim services division of the Indiana criminal justice institute shall reimburse a medical service provider for costs in providing forensic medical exams. A medical service provider may not charge the victim for a forensic medical exam required under this chapter even if there is a delay in receiving reimbursement from the victim services division of the Indiana criminal justice institute.

(f) When a licensed medical service provider not covered by subsection (a) or (b) elects to provide additional forensic services to an alleged sex crime victim who cooperates with law enforcement under IC 16-21-8-5(b), ~~or IC 16-21-8-5(c)~~, the medical service provider shall furnish the services without charge. The victim services division of the Indiana criminal justice institute shall reimburse a medical service provider for costs in providing the additional forensic services. A medical service provider may not charge the victim for services required under this chapter even if there is a delay in receiving reimbursement from the victim services division of the Indiana criminal justice institute.

(g) When a medical service provider acting under IC 16-21-8 provides additional forensic services to an alleged sex crime victim who does not cooperate with law enforcement under IC 16-21-8-5(b), ~~or IC 16-21-8-5(c)~~, the medical service provider may, **with the victim's consent**, seek reimbursement directly from the victim or any third party payer for additional forensic services rendered by the medical service provider.

(h) The victim services division of the Indiana criminal justice institute ~~may~~ **is not required to** reimburse a medical service provider for costs in providing additional forensic services **if unless** the following conditions are met:

(1) ~~If~~ The victim is at least eighteen (18) years of age.

~~(A) the sex crime must be reported to a law enforcement officer within ninety-six (96) hours after the crime occurred; and~~

~~(B) the victim must cooperate to the fullest extent possible with law enforcement personnel to solve the crime.~~

(2) If the victim is less than eighteen (18) years of age, a report of the sex crime must be made to child protective services or a law enforcement officer. ~~The division may not deny an application for reimbursement under this subdivision solely because the victim reported the sex crime more than ninety-six (96) hours after the crime's occurrence.~~

(3) The sex crime occurred in Indiana.

If the division finds a compelling reason for failure to ~~report to or cooperate with law enforcement officials and justice requires;~~ **comply with the requirements of this section**, the division may suspend the requirements of this section.

(i) Costs incurred by a licensed medical service provider for the examination of the victim of a sex crime (under IC 35-42-4) not covered under IC 16-21-8 or incest (under IC 35-46-1-3) may not be charged to the victim of the crime if the examination is performed for the purposes of gathering evidence for possible prosecution. ~~The costs are local costs to be paid by the county in which the alleged crime was committed.~~

SECTION 2. IC 5-2-6.1-49 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 49. (a) The secured storage fund is established as a dedicated fund to provide money to assist counties to pay expenses for the secured storage of samples from forensic medical examinations of alleged sex crime victims.**

(b) The division shall administer the secured storage fund.

(c) The institute shall identify grants and other funds that can be used to fund the secured storage of samples from forensic medical examinations of alleged sex crime victims.

(d) Money in the secured storage fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 3. IC 16-18-2-97 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 97. "Division" means the following:

(1) For purposes of IC 16-21-8, the meaning set forth in ~~IC 16-21-8-0.5~~ **IC 16-21-8-0.1**.

(2) For purposes of IC 16-22-8, the meaning set forth in IC 16-22-8-3.

(3) For purposes of IC 16-27, a group of individuals under the supervision of the director within the state department assigned the responsibility of implementing IC 16-27.

(4) For purposes of IC 16-28, a group of individuals under the supervision of the director within the state department assigned the responsibility of implementing IC 16-28.

(5) For purposes of IC 16-41-40, the meaning set forth in IC 16-41-40-1.

SECTION 4. IC 16-18-2-295 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 295. (a) "Provider", for purposes of IC 16-21-8, has the meaning set forth in ~~IC 16-21-8-0.6~~ **IC 16-21-8-0.5**.

(b) "Provider", for purposes of IC 16-38-5, IC 16-39 (except for IC 16-39-7) and IC 16-41-1 through IC 16-41-9 and IC 16-41-37, means any of the following:

(1) An individual (other than an individual who is an employee or a contractor of a hospital, a facility, or an agency described in subdivision (2) or (3)) who is licensed, registered, or certified as a health care professional, including the following:

(A) A physician.

(B) A psychotherapist.

(C) A dentist.

(D) A registered nurse.

(E) A licensed practical nurse.

(F) An optometrist.

(G) A podiatrist.

(H) A chiropractor.

(I) A physical therapist.

(J) A psychologist.

(K) An audiologist.

(L) A speech-language pathologist.

(M) A dietitian.

(N) An occupational therapist.

(O) A respiratory therapist.

(P) A pharmacist.

(Q) A sexual assault nurse examiner.

(2) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or described in IC 12-24-1 or IC 12-29.

(3) A health facility licensed under IC 16-28-2.

(4) A home health agency licensed under IC 16-27-1.

(5) An employer of a certified emergency medical technician, a certified emergency medical technician-basic advanced, a certified emergency medical technician-intermediate, or a certified paramedic.

(6) The state department or a local health department or an employee, agent, designee, or contractor of the state department or local health department.

(c) "Provider", for purposes of IC 16-39-7-1, has the meaning set forth in IC 16-39-7-1(a).

SECTION 5. IC 16-18-2-365.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 365.5. "Victim", for purposes of IC 16-21-8, has the meaning set forth in ~~IC 16-21-8-0.7~~ **IC 16-21-8-0.9**.

SECTION 6. IC 16-21-8-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 0.1. As used in this chapter, "division" refers to the victim services division of the Indiana criminal justice institute established by IC 5-2-6-8(a).**

SECTION 7. IC 16-21-8-0.3 IS ADDED TO THE INDIANA

CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 0.3. As used in this chapter, "evidence" means the results collected from a forensic medical exam of a victim by a provider when the victim has reported the sex crime to law enforcement.**

SECTION 8. IC 16-21-8-0.5, AS ADDED BY P.L.90-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 0.5. As used in this chapter, "division" refers to the victim services division of the Indiana criminal justice institute established by IC 5-2-6-8(a); "provider" means a hospital or licensed medical services provider that provides forensic medical exams and additional forensic services to a victim.**

SECTION 9. IC 16-21-8-0.6, AS AMENDED BY P.L.121-2006, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 0.6. As used in this chapter, "provider" "sample" means a hospital or licensed medical services provider that provides forensic medical exams and additional forensic services to a the result collected from a forensic medical exam of the victim by a provider, when the victim has not yet reported the sex crime to law enforcement.**

SECTION 10. IC 16-21-8-0.7, AS ADDED BY P.L.90-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 0.7. As used in this chapter, "victim" "secured storage" means an alleged sex crime victim; a method of storing a sample that will adequately safeguard the integrity and viability of the sample.**

SECTION 11. IC 16-21-8-0.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 0.8. As used in this chapter, "sexual assault nurse examiner" means a registered nurse who:**

- (1) has received training to provide comprehensive care to sexual assault survivors; and
- (2) can:
 - (A) conduct a forensic medical examination; and
 - (B) collect evidence from a sexual assault victim.

SECTION 12. IC 16-21-8-0.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 0.9. As used in this chapter, "victim" means an alleged sex crime victim.**

SECTION 13. IC 16-21-8-1, AS AMENDED BY P.L.121-2006, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1. (a) A hospital licensed under IC 16-21-2 that provides general medical and surgical hospital services shall provide forensic medical exams and additional forensic services, in accordance with rules adopted by the victim services division of the Indiana criminal justice institute, to all alleged sex crime victims who apply for forensic medical exams and additional forensic services in relation to injuries or trauma resulting from the alleged sex crime. The provision of services may not be dependent on a victim's reporting to, or cooperating with, law enforcement.**

(b) For the purposes of this chapter, the following crimes are considered sex crimes:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Child molesting (IC 35-42-4-3).
- (4) Vicarious sexual gratification (IC 35-42-4-5).
- (5) Sexual battery (IC 35-42-4-8).
- (6) Sexual misconduct with a minor (IC 35-42-4-9).
- (7) Child solicitation (IC 35-42-4-6).
- (8) Child seduction (IC 35-42-4-7).
- (9) Incest (IC 35-46-1-3).

(c) Payment for services under this section shall be processed in accordance with rules adopted by the victim services division of the Indiana criminal justice institute.

SECTION 14. IC 6-21-8-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2007]: **Sec. 1.5. If a sexual assault response team has not been established in a county, the prosecuting attorney shall appoint a sexual assault response team to comply with duties assigned to sexual response teams under this chapter.**

SECTION 15. IC 16-21-8-2, AS AMENDED BY P.L.121-2006, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2. (a) Community or areawide plans may be developed by the hospitals. Each county sexual assault response team shall develop a plan that establishes the protocol for sexual assault victim response and treatment, including the:**

- (1) collection;
- (2) preservation;
- (3) secured storage; and
- (4) destruction;

of samples.

(b) A hospital may participate with at least one (1) other hospital in a community or an areawide plan to furnish forensic medical exams and additional forensic services to alleged sex crime victims. A hospital participating in the plan must furnish the forensic medical exams and additional forensic services that the plan designates to an alleged sex crime victim who applies for forensic medical exams and additional forensic services for injuries or trauma resulting from the alleged sex crime. The plan under subsection (a) shall address the following regarding an alleged sexual assault victim who is at least eighteen (18) years of age and who either reports a sexual assault or elects not to report a sexual assault to law enforcement:

- (1) The method of maintaining the confidentiality of the alleged sexual assault victim regarding the chain of custody and secured storage of a sample.
- (2) The development of a victim notification form that notifies an alleged sexual assault victim of his or her rights under the law.
- (3) How a victim will receive the victim notification form.
- (4) Identification of law enforcement agencies that will be responsible to transport samples.
- (5) Agreements between medical providers and law enforcement agencies to pick up and store samples.
- (6) Maintaining samples in secured storage.
- (7) Procedures to destroy a sample following applicable statute of limitations.

SECTION 16. IC 16-21-8-3, AS AMENDED BY P.L.121-2006, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3. A hospital that physician or sexual assault nurse examiner who provides forensic medical exams and additional forensic services shall provide the forensic medical exams and additional forensic services to an alleged sex crime victim under this chapter with the consent of the alleged sex crime victim, and as ordered by the attending physician.**

SECTION 17. IC 16-21-8-5, AS AMENDED BY P.L.121-2006, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5. (a) The division shall award compensation or reimbursement under this chapter for forensic medical exams.**

(b) The division ~~shall~~ **is not required to** award compensation or reimbursement under this chapter for additional forensic services **if unless** the following conditions are met:

- (1) If The victim is at least eighteen (18) years of age.
 - (A) the sex crime must be reported to a law enforcement officer within ninety-six (96) hours after the crime's occurrence; and
 - (B) the victim must cooperate to the fullest extent possible with law enforcement personnel to solve the crime.

(2) If the victim is less than eighteen (18) years of age, a report of the sex crime must be made to child protective

services or a law enforcement officer. The division may not deny an application for reimbursement under this subdivision based on the victim reporting the sex crime more than ninety-six (96) hours after the crime's occurrence.

(3) The sex crime occurred in Indiana.

~~(c)~~ If the division finds a compelling reason for failure to report to or cooperate with law enforcement officials and justice requires, comply with the requirements of this section, the division may suspend the requirements of this section.

~~(d)~~ (c) A claim filed for services provided at a time before the provision of the forensic medical exams and additional forensic services for which an application for reimbursement is filed is not covered under this chapter.

SECTION 18. IC 16-21-8-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 8. A provider shall label or otherwise identify samples and evidence in a manner that protects the confidentiality of the victim.**

SECTION 19. IC 16-21-8-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 9. (a) Prior to the discharge of a victim from the hospital, a provider shall:**

- (1) require the victim to sign a form that notifies the victim of his or her rights under this chapter;**
- (2) provide a copy of the signed form to the victim; and**
- (3) inform law enforcement that the signed form is available.**

(b) The director of the Indiana criminal justice institute may delay the implementation of this section until the earlier of the following:

- (1) A date set by the director.**
- (2) The date funding becomes available by a grant through the criminal justice institute or by an appropriation from the general assembly.**

If the director of the criminal justice institute delays implementation of this section, the director shall notify the prosecuting attorney of each county of the director's action and when funding become available to implement this section.

SECTION 20. IC 16-21-8-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 10. (a) Law enforcement shall:**

- (1) obtain the sample and the form signed under section 9 of this chapter within forty-eight (48) hours after receiving a provider's notification; and**
- (2) transport the sample to secured storage.**

(b) Law enforcement shall keep the sample in secured storage until the earlier of the following:

- (1) One (1) year after the date the sample is placed in secured storage.**
- (2) The victim reports the sex crime to law enforcement and the sample is transported to the crime lab for investigation and use as evidence.**

(c) The division shall notify the victim, as described in subsection (d), that the victim's sample will be removed from secured storage and destroyed if the victim does not report the sex crime to law enforcement on or before the date described in subsection (b)(1).

(d) The notice the division is required to provide a victim under subsection (c) shall be sent:

- (1) by first class mail to the individual's last known address;**
- (2) by electronic mail to the individual's last known electronic mail address; and**
- (3) six (6) months and thirty (30) days before the date described in subsection (b)(1).**

(e) Each county shall develop and implement a plan for the secured storage of samples.

(f) The director of the Indiana criminal justice institute may delay the implementation of this section until the earlier of the following:

(1) A date set by the director.

(2) The date funding becomes available by a grant through the criminal justice institute or by an appropriation from the general assembly.

If the director of the criminal justice institute delays implementation of this section, the director shall notify the prosecuting attorney of each county of the director's action and when funding becomes available to implement this section."

Renumber all SECTIONS consecutively.

(Reference is to HB 1654 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1687, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 3, reset in roman "After reports of student scores are returned to a".

Page 4, line 4, reset in roman "school corporation,".

Page 4, line 4, delete "The" and insert "the".

Page 4, line 7, delete "sixty (60) days after the" and insert "fifteen(15) days.".

Page 4, delete line 8.

(Reference is to HB 1687 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 5.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1693, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 8. IC 8-2.1-22-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: Sec. 1. Except as provided in section 2.1 of this chapter, this chapter applies to the regulation of the following persons:

(1) A common carrier that professes to the general public to engage in the transportation by motor vehicle of passengers **or household goods** for compensation.

(2) A contract carrier that engages in transportation by motor vehicle of passengers **or household goods**, for compensation (other than transportation provided by a common carrier described in subdivision (1)) under continuing contracts with one (1) person or a limited number of persons for:

(A) the furnishing of transportation services through the dedication of motor vehicles for a continuing period of time to the exclusive use of each person served; or

(B) the furnishing of transportation services designed to meet the distinct need of each individual customer.

(3) A broker of transportation services provided by a motor carrier described in subdivision (1) or (2).

(4) A common carrier that professes to the general public

to engage in the transportation of household goods.

(5) A contract carrier that engages in transportation of household goods for compensation under continuing contracts with at least one (1) person for:

(A) the furnishing of transportation services through the dedication of motor vehicles for a continuing period for the exclusive use of each person served; or

(B) the furnishing of transportation services designed to meet the needs of each customer."

Page 4, delete lines 4 through 42.

Page 5, delete lines 1 through 6.

Page 7, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 13. IC 8-2.1-24-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: Sec. 4. The department may:

(1) certify a motor carrier providing transportation of property **or passengers** for compensation; and

(2) regulate and supervise safety, insurance, methods, and hours of operation of a motor carrier providing transportation of property **or passengers**."

Page 7, line 15, delete "property," and insert "**property and passengers**,".

Page 9, delete lines 13 through 26.

Page 9, line 32, after "IC 8-2.1-20-9," insert "**IC 8-2.1-22-1**,".

Page 9, line 33, after "IC 8-2.1-24-3," insert "**IC 8-2.1-24-4**,".

Renumber all SECTIONS consecutively.

(Reference is to HB 1693 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

AUSTIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1753, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1778, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-7-2-28.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 28.6. (a) "Child care home", for purposes of IC 12-17.2, means a residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative **or any child who is at least fourteen (14) years of age and does not require child care**) at any time receive child care from a provider:

(1) while unattended by a parent, legal guardian, or custodian;

(2) for regular compensation; and

(3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

(b) The term includes:

(1) a class I child care home; and

(2) a class II child care home.

SECTION 2. IC 12-7-2-33.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 33.7. (a) As used in this chapter, "class I child care home" means a child care home that serves any combination of full-time and part-time children, not to exceed at any one (1) time twelve (12) children plus three (3) children during the school year only who are enrolled in at least grade 1. Except as provided in IC 12-17.2-5-6.3(b), the addition of three (3) school age children may not occur during a break in the school year that exceeds four (4) weeks.

(b) A child:

(1) for whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative and

~~(2)~~ who is at least seven (7) years of age; **or**

(2) who is at least fourteen (14) years of age and does not require child care;

shall not be counted in determining whether the child care home is within the limit set forth in subsection (a).

SECTION 3. IC 12-7-2-33.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 33.8. (a) As used in this chapter, "class II child care home" means a child care home that serves more than twelve (12) children but not more than any combination of sixteen (16) full-time and part-time children at any one (1) time.

(b) A child:

(1) for whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative and

~~(2)~~ who is at least seven (7) years of age; **or**

(2) who is at least fourteen (14) years of age and does not require child care;

shall not be counted in determining whether the child care home is within the limit set forth in subsection (a).

SECTION 4. IC 12-17.2-3.5-1, AS AMENDED BY P.L.16-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) This chapter applies to all child care providers regardless of whether a provider is required to be licensed or registered under this article. However, a child care provider that is licensed under IC 12-17.2-4 or IC 12-17.2-5 is considered to be in compliance with this chapter **unless the child care provider is found to be in violation of this chapter.**

(b) If a school age child care program that is:

(1) described in IC 12-17.2-2-8(10); and

(2) located in a school building;

is determined to be in compliance with a requirement of this chapter by another state regulatory authority, the school age child care program is considered to be in compliance with the requirement under this chapter.

SECTION 5. IC 12-17.2-5-4, AS AMENDED BY P.L.146-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the department of child services established by IC 31-25-1-1 of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the applicant;

(B) a member of the applicant's household;

~~(B)~~ **(C)** an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant; or

~~(C)~~ **(D)** a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant.

(2) A criminal conviction of the applicant, an employee of the applicant who has direct contact, on a regular and

continuous basis, with children who are under the direct supervision of the applicant, a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant, or a member of the applicant's household, of any of the following:

- (A) A felony.
- (B) A misdemeanor related to the health or safety of a child.
- (C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.
- (D) A misdemeanor for operating a child care home without a license under section 35 of this chapter.

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the division that the applicant made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

- (A) child care center without a license under IC 12-17.2-4; or
- (B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

(1) a license application is denied due to a criminal conviction of:

- (A) an employee or a volunteer of the applicant; or
- (B) a member of the applicant's household; and

(2) the division determines that the:

- (A) employee or volunteer has been dismissed by the applicant; or
- (B) member of the applicant's household is no longer a member of the applicant's household;

the criminal conviction of the former employee, former volunteer, or former member does not require denial of a license application.

SECTION 6. IC 12-17.2-5-32, AS AMENDED BY P.L.146-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(1) A determination by the department of child services of child abuse or neglect (as defined in IC 31-9-2-14) by:

- (A) the licensee;
- (B) a member of the licensee's household;**

~~(C)~~ (C) an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee; or

~~(D)~~ (D) a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee.

(2) A criminal conviction of the licensee, an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee, a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee, or a member of the licensee's household, of any of the following:

- (A) A felony.
- (B) A misdemeanor related to the health or safety of a child.
- (C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.
- (D) A misdemeanor for operating a child care home without a license under section 35 of this chapter.

(3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the division that the licensee made false statements in the records required by the division.

(5) A determination by the division that the licensee previously operated a:

- (A) child care center without a license under IC 12-17.2-4; or
- (B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of:

- (A) an employee or a volunteer of the licensee's; or
- (B) a resident of the licensee's household; and

(2) the division determines that the:

- (A) employee or volunteer has been dismissed by the licensee; or
- (B) member of the licensee's household is no longer a member of the licensee's household;

the criminal conviction of the former employee, former volunteer, or former member does not require revocation of a license.

SECTION 7. IC 12-17.2-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. The child care ministry must do the following:

(1) Conduct a criminal history check of the child care ministry's employees and volunteers.

(2) Refrain from employing, or allowing to serve as a volunteer, an individual who:

(A) has been convicted of a:

- (i) felony; or**
- (ii) misdemeanor related to the health or safety of a child; or**

(B) is a person against whom an allegation of child abuse or neglect has been substantiated under IC 31-33.

~~(3)~~ (3) Maintain records of each criminal history check."

Page 2, line 1, delete "a program that is exempt from licensure under" and insert "**a child care ministry exempt from licensing and registered under IC 12-17.2-6;**".

Page 2, line 2, delete "IC 12-17.2-2-8;", begin a new line double block indented and insert:

"(C) a child care provider that is eligible to receive reimbursement under IC 12-17.2-3.5;

(D) a child care home if the provider:

- (i) does not receive regular compensation;**
- (ii) cares only for children who are related to the provider;**
- (iii) cares for less than six (6) children, not including children for whom the provider is a parent, stepparent, guardian, custodian, or other relative; or**
- (iv) operates to serve migrant children;"**

Page 2, line 3, delete "(C)" and insert "(E)".

Page 2, after line 3, begin a new paragraph and insert:

"SECTION 9. IC 31-33-8-1, AS AMENDED BY P.L.234-2005, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) The department shall initiate an immediate and appropriately thorough child protection investigation of every report of known or suspected child abuse or neglect the department receives, whether in accordance with this article or otherwise.

(b) Subject to subsections (d) and (e), if the report alleges a child may be a victim of child abuse, the investigation shall be initiated immediately, but not later than twenty-four (24) hours after receipt of the report.

(c) Subject to subsections (d) and (e), if reports of child neglect are received, the investigation shall be initiated within a reasonably prompt time, but not later than five (5) days, with the primary consideration being the well-being of the child who is the subject of the report.

(d) If the immediate safety or well-being of a child appears to be endangered or the facts otherwise warrant, the investigation shall be initiated regardless of the time of day.

(e) If the department has reason to believe that the child is in imminent danger of serious bodily harm, the department shall initiate within one (1) hour an immediate, onsite investigation.

(f) If a report alleges abuse or neglect and involves a child care ministry that is exempt from licensure under IC 12-17.2-6, the department and the appropriate law enforcement agency shall jointly conduct an investigation. The investigation shall be conducted under the requirements of this section and section 2(b) of this chapter."

Renumber all SECTIONS consecutively.

(Reference is to HB 1778 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1812, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 14, after "system" delete "." and insert "(or an equivalent rating, such as a Two Globes rating under the Green Building Initiative's Green Globes rating system).".

Page 2, line 6, after "system" delete "." and insert "(or an equivalent rating, such as a Two Globes rating under the Green Building Initiative's Green Globes rating system).".

Page 2, delete lines 7 through 14.

Page 2, line 27, after "system" delete "." and insert "(or an equivalent rating, such as a Two Globes rating under the Green Building Initiative's Green Globes rating system).".

Page 2, line 34, after "system" delete "." and insert "(or an equivalent rating, such as a Two Globes rating under the Green Building Initiative's Green Globes rating system).".

Page 3, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 4. IC 6-1.1-12-36, AS AMENDED BY P.L.214-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 36. (a) A person who receives a deduction provided under section 26, 29, 33, 34, 34.5, ~~or 38~~, **or 44** of this chapter for a particular year and who remains eligible for the deduction for the following year is not required to file a statement to apply for the deduction for the following year.

(b) A person who receives a deduction provided under section 26, 29, 33, 34, 34.5, ~~or 38~~, **or 44** of this chapter for a particular year and who becomes ineligible for the deduction for the following year shall notify the auditor of the county in which the real property or mobile home for which the person received the deduction is located of the person's ineligibility before March 31 of the year for which the person becomes ineligible.

(c) The auditor of each county shall, in a particular year, apply a deduction provided under section 26, 29, 33, 34, 34.5, ~~or 38~~, **or 44** of this chapter to each person who received the deduction in the preceding year unless the auditor determines that the person is no longer eligible for the deduction.

SECTION 5. IC 6-1.1-12-44 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 44. (a) As used in this section, "LEED silver rating" means the silver rating awarded under the Leadership in Energy and Environmental Design rating systems developed for newly constructed and rehabilitated buildings by the U.S. Green Building Council.

(b) As used in this section, "office" means the office of energy and defense development.

(c) As used in this section, "qualified real property" means a newly constructed building or a rehabilitated building that

is determined by the office to meet the LEED silver rating (or an equivalent rating, such as a Two Globes rating under the Green Building Initiative's Green Globes rating system).

(d) An ordinance may be adopted by a county fiscal body to provide that a deduction applies to the assessed value of qualified real property located in the county. An ordinance adopted under this section must specify the amount of the deduction that may be applied to the assessed value of qualified real property located in the county for the appropriate year of assessment. An ordinance adopted under this subsection applies to the assessment year beginning after December 31 of the year in which the ordinance is adopted.

(e) If an ordinance has not been adopted by the fiscal body of a county under subsection (d), the fiscal body of a municipality in the county may adopt an ordinance to provide that a deduction applies to the assessed value of qualified real property located in the municipality. An ordinance adopted under this section must specify the amount of the deduction that may be applied to the assessed value of qualified real property located in the municipality for the appropriate year of assessment. An ordinance adopted under this subsection applies to the assessment year beginning after December 31 of the year in which the ordinance is adopted.

(f) Except as provided in section 36 of this chapter, a person who desires to claim the deduction provided by this section must file a certified statement in duplicate, on forms prescribed by the department of local government finance, and a copy of the certificate of approval issued to the property owner under subsection (g) with the auditor of the county in which the property for which the deduction is claimed is subject to assessment. The person must file the statement between March 1 and June 11, inclusive, of the assessment year. The person must file the statement in each year for which the person desires to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the assessor of the township in which the property for which the deduction is claimed is subject to assessment, the county auditor shall allow the deduction.

(g) The office, upon application by a property owner, shall determine whether a newly constructed or rehabilitated building qualifies for a deduction provided by this section. A property owner must submit to the office proof that the building meets the appropriate LEED silver rating (or an equivalent rating, such as a Two Globes rating under the Green Building Initiative's Green Globes rating system) and any other information that the office needs to approve or deny the application. If the office determines that a building qualifies for a deduction, the office shall approve the property owner's application and provide a certificate of approval to the property owner. The office shall prescribe the form and manner of the approval process required by this subsection.

(h) If the office receives an application for certification before May 11 of the assessment year, the office shall determine whether the building qualifies for a deduction before June 11 of the assessment year. If the office receives an application for certification before May 11 of the assessment year and fails to make a determination under this subsection before June 11 of the assessment year, the application is considered approved.

(i) A denial of a deduction claimed under this section may be appealed as provided in IC 6-1.1-15. The appeal is limited to a review of a determination made by the township assessor, county property tax assessment board of appeals, or department of local government finance."

Page 3, line 15, after "system" delete "." and insert "(or an equivalent rating, such as a Two Globes rating under the

Green Building Initiative's Green Globes rating system)."
 Page 3, line 22, after "system" delete "." and insert "(or an equivalent rating, such as a Two Globes rating under the Green Building Initiative's Green Globes rating system).".

Page 3, delete lines 23 through 42.

Page 4, delete lines 1 through 24, begin a new paragraph and insert:

"SECTION 7. [EFFECTIVE JULY 1, 2007] (a) The office of energy and defense development may adopt rules under IC 4-22-2 to implement IC 6-1.1-12-44, as added by this act.

(b) This SECTION expires January 1, 2010.

SECTION 8. [EFFECTIVE JULY 1, 2007] (a) The Indiana economic development corporation may adopt rules granting priority to economic development projects that include buildings that meet or surpass the standards of the leadership in energy and environmental design ratings systems developed by the U.S. Green Building Council or the Green Building Initiative.

(b) This SECTION expires January 1, 2010."

Re-number all SECTIONS consecutively.

(Reference is to HB 1812 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 1.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1835, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning gaming and to make an appropriation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-31-2-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10.5. "Live racing day" means a day on which at least eight (8) live horse races are conducted.**

SECTION 2. IC 4-31-2-20.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 20.7. "Slot machine" refers to a slot machine approved by the Indiana gaming commission for wagering under IC 4-35.**

SECTION 3. IC 4-31-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A county fiscal body may adopt an ordinance permitting the filing of applications under IC 4-31-5 to conduct pari-mutuel wagering on horse races at racetracks in the county. However, before adopting the ordinance, the county fiscal body must:

(1) conduct a public hearing on the proposed ordinance; and

(2) publish notice of the public hearing in the manner prescribed by IC 5-3-1.

(b) The county fiscal body may:

(1) require in the ordinance adopted by the county fiscal body that before applications under IC 4-31-5 to conduct pari-mutuel wagering on horse races at racetracks in the county may be filed, the voters of the county must approve the conducting of horse racing meetings in the county under section 3 of this chapter; or

(2) amend an ordinance already adopted by the county fiscal body to require that before applications under IC 4-31-5 to conduct pari-mutuel wagering on horse races at racetracks in the county may be filed, the voters of the county must approve the conducting of horse racing

meetings in the county under section 3 of this chapter.

An ordinance adopted under this section may not be amended to apply to a person who has already been issued a permit under IC 4-31-5 before amendment of the ordinance.

(c) **An ordinance adopted under this section authorizing a person to conduct pari-mutuel wagering on horse races at racetracks in the county may not be adopted or amended in a manner that restricts a person's ability to conduct gambling games under IC 4-35. An ordinance adopted by the county fiscal body permitting slot machines in the county is not a prerequisite for the lawful operation of slot machines under IC 4-35.**

SECTION 4. IC 4-31-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The commission shall determine the dates ~~and the number~~ of racing days authorized under each recognized meeting permit. Except for racing at winterized tracks, a recognized meeting may not be conducted after December 10 of a calendar year.

(b) **The commission shall require at least one hundred sixty (160) live racing days each calendar year at the racetrack designated in a permit holder's permit, as follows:**

(1) **One hundred (100) live racing days must be for standardbreds.**

(2) **Sixty (60) live racing days must be for horses that are:**

(A) **mounted by jockeys; and**

(B) **run on a course without jumps or obstacles.**

The requirements of this subsection are a continuing condition for maintaining the permit holder's permit. However, the requirements do not apply if the commission determines that the permit holder is prevented from conducting live horse racing as a result of a natural disaster or another event over which the permit holder has no control.

SECTION 5. IC 4-31-5.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) As used in this section, "live racing day" means a day on which at least eight (8) live horse races are conducted.

(b) The commission's authority to issue satellite facility licenses is subject to the following conditions:

(1) **Subject to subsection (c),** the commission may issue four (4) satellite facility licenses to each permit holder that

(A) ~~conducts at least one hundred twenty (120) live racing days per year at the racetrack designated in the permit holder's permit; and~~

(B) meets the other requirements of this chapter and the rules adopted under this chapter.

~~If a permit holder that operates satellite facilities does not meet the required minimum number of live racing days, the permit holder may not operate the permit holder's satellite facilities during the following year. However, the requirement for one hundred twenty (120) live racing days does not apply if the commission determines that the permit holder is prevented from conducting live horse racing as a result of a natural disaster or other event over which the permit holder has no control. In addition, if the initial racing meeting conducted by a permit holder commences at such a time as to make it impractical to conduct one hundred twenty (120) live racing days during the permit holder's first year of operations, the commission may authorize the permit holder to conduct simulcast wagering during the first year of operations with fewer than one hundred twenty (120) live racing days.~~

(2) Each proposed satellite facility must be covered by a separate application. The timing for filing an initial application for a satellite facility license shall be established by the rules of the commission.

(3) A satellite facility must:

(A) have full dining service available;

(B) have multiple screens to enable each patron to view

simulcast races; and

(C) be designed to seat comfortably a minimum of four hundred (400) persons.

(4) In determining whether a proposed satellite facility should be approved, the commission shall consider the following:

(A) The purposes and provisions of this chapter.

(B) The public interest.

(C) The impact of the proposed satellite facility on live racing.

(D) The impact of the proposed satellite facility on the local community.

(E) The potential for job creation.

(F) The quality of the physical facilities and the services to be provided at the proposed satellite facility.

(G) Any other factors that the commission considers important or relevant to its decision.

(5) The commission may not issue a license for a satellite facility to be located in a county unless IC 4-31-4 has been satisfied.

(c) A permit holder licensed to conduct gambling games under IC 4-35 is limited to the number of satellite facility licenses issued to the permit holder before January 1, 2007.

SECTION 6. IC 4-31-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A person holding a permit to conduct a horse racing meeting or a license to operate a satellite facility may provide a place in the racing meeting grounds or enclosure or the satellite facility at which the person may conduct and supervise the pari-mutuel system of wagering by patrons of legal age on the horse races conducted or simulcast by the person. The person may not permit or use:

(1) another place other than that provided and designated by the person; or

(2) another method or system of betting or wagering.

However, a permit holder licensed to conduct gambling games under IC 4-35 may permit wagering on slot machines at a racetrack as permitted by IC 4-35.

(b) Except as provided in section 7 of this chapter and IC 4-31-5.5, the pari-mutuel system of wagering may not be conducted on any races except the races at the racetrack, grounds, or enclosure for which the person holds a permit.

SECTION 7. IC 4-31-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A person less than eighteen (18) years of age may not wager at a horse racing meeting.

(b) A person less than ~~seventeen (17)~~ **eighteen (18)** years of age may not enter the grandstand, clubhouse, or similar areas of a racetrack at which wagering is permitted unless accompanied by a person who is at least twenty-one (21) years of age.

(c) A person less than eighteen (18) years of age may not enter a satellite facility.

(d) Except as provided by IC 4-35-7-2, a person less than twenty-one (21) years of age may not enter the area of a racetrack in which gambling games are conducted under IC 4-35.

SECTION 8. IC 4-31-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. A person that holds a permit to conduct a horse racing meeting or a license to operate a satellite facility shall withhold:

(1) eighteen percent (18%) of the total of money wagered on each day at the racetrack or satellite facility (including money wagered on exotic wagering pools, **but excluding money wagered on slot machines under IC 4-35**); plus

(2) an additional three and one-half percent (3.5%) of the total of all money wagered on exotic wagering pools on each day at the racetrack or satellite facility.

SECTION 9. IC 4-33-2-17.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS

[EFFECTIVE UPON PASSAGE]: **Sec. 17.5. "Slot machine taxes" means the taxes imposed under IC 4-35-8-1 on the adjusted gross receipts of gambling games conducted under IC 4-35.**

SECTION 10. IC 4-33-12-6, AS AMENDED BY P.L.4-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.

(b) Except as provided by subsections (c) and (d) and IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts:

(1) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 during the quarter shall be paid to:

(A) the city in which the riverboat is docked, if the city:

(i) is located in a county having a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000); or

(ii) is contiguous to the Ohio River and is the largest city in the county; and

(B) the county in which the riverboat is docked, if the riverboat is not docked in a city described in clause (A).

(2) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the county in which the riverboat is docked. In the case of a county described in subdivision (1)(B), this one dollar (\$1) is in addition to the one dollar (\$1) received under subdivision (1)(B).

(3) Except as provided in subsection (k), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Except as provided in subsection (k), fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during a quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the state fair commission, for use in any activity that the commission is authorized to carry out under IC 15-1.5-3.

(5) Except as provided in subsection (k), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(6) Except as provided in subsection (k) **and section 7 of**

this chapter, sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the Indiana horse racing commission to be distributed as follows, in amounts determined by the Indiana horse racing commission, for the promotion and operation of horse racing in Indiana:

(A) To one (1) or more breed development funds established by the Indiana horse racing commission under IC 4-31-11-10.

(B) To a racetrack that was approved by the Indiana horse racing commission under IC 4-31. The commission may make a grant under this clause only for purses, promotions, and routine operations of the racetrack. No grants shall be made for long term capital investment or construction, and no grants shall be made before the racetrack becomes operational and is offering a racing schedule.

(c) With respect to tax revenue collected from a riverboat located in a historic hotel district, the treasurer of state shall quarterly pay the following amounts:

(1) Twenty-five percent (25%) of the admissions tax collected during the quarter shall be paid to the county treasurer of the county in which the riverboat is docked. The county treasurer shall distribute the money received under this subdivision as follows:

(A) Twenty percent (20%) shall be quarterly distributed to the county treasurer of a county having a population of more than thirty-nine thousand six hundred (39,600) but less than forty thousand (40,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(B) Twenty percent (20%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(C) Sixty percent (60%) shall be retained by the county where the riverboat is docked for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body shall provide for the distribution of part or all of the money received under this clause to the following under a formula established by the county fiscal body:

(i) A town having a population of more than two thousand two hundred (2,200) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).

(ii) A town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).

(2) Sixteen percent (16%) of the admissions tax collected during the quarter shall be paid in equal amounts to each town that:

(A) is located in the county in which the riverboat docks; and

(B) contains a historic hotel.

The town council shall appropriate a part of the money received by the town under this subdivision to the budget of the town's tourism commission.

(3) Nine percent (9%) of the admissions tax collected during the quarter shall be paid to the historic hotel preservation commission established under IC 36-7-11.5.

(4) Twenty-five percent (25%) of the admissions tax collected during the quarter shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b).

(5) Twenty-five percent (25%) of the admissions tax collected during the quarter shall be paid to the Indiana economic development corporation to be used by the corporation for the development and implementation of a regional economic development strategy to assist the residents of the county in which the riverboat is located and residents of contiguous counties in improving their quality of life and to help promote successful and sustainable communities. The regional economic development strategy must include goals concerning the following issues:

(A) Job creation and retention.

(B) Infrastructure, including water, wastewater, and storm water infrastructure needs.

(C) Housing.

(D) Workforce training.

(E) Health care.

(F) Local planning.

(G) Land use.

(H) Assistance to regional economic development groups.

(I) Other regional development issues as determined by the Indiana economic development corporation.

(d) With respect to tax revenue collected from a riverboat that operates from a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the treasurer of state shall quarterly pay the following amounts:

(1) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the city in which the riverboat is docked.

(2) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the county in which the riverboat is docked.

(3) Except as provided in subsection (k), nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Except as provided in subsection (k), one cent (\$0.01) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the northwest Indiana law enforcement training center.

(5) Except as provided in subsection (k), fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during a quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-1.5-3.

(6) Except as provided in subsection (k), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(7) Except as provided in subsection (k) **and section 7 of this chapter**, sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the Indiana horse racing commission to be distributed as follows, in amounts determined by the Indiana horse racing commission, for the promotion and operation of horse racing in Indiana:

(A) To one (1) or more breed development funds established by the Indiana horse racing commission under IC 4-31-11-10.

(B) To a racetrack that was approved by the Indiana horse racing commission under IC 4-31. The commission may make a grant under this clause only for purses, promotions, and routine operations of the racetrack. No grants shall be made for long term capital investment or construction, and no grants shall be made before the racetrack becomes operational and is offering a racing schedule.

(e) Money paid to a unit of local government under subsection (b)(1) through (b)(2), (c)(1) through (c)(2), or (d)(1) through (d)(2):

(1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's maximum levy under IC 6-1.1-18.5 but may be used at the discretion of the unit to reduce the property tax levy of the unit for a particular year;

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

(f) Money paid by the treasurer of state under subsection (b)(3) or (d)(3) shall be:

(1) deposited in:

(A) the county convention and visitor promotion fund;

or

(B) the county's general fund if the county does not have a convention and visitor promotion fund; and

(2) used only for the tourism promotion, advertising, and economic development activities of the county and community.

(g) Money received by the division of mental health and addiction under subsections (b)(5) and (d)(6):

(1) is annually appropriated to the division of mental health and addiction;

(2) shall be distributed to the division of mental health and addiction at times during each state fiscal year determined by the budget agency; and

(3) shall be used by the division of mental health and addiction for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions. The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

(h) This subsection applies to the following:

(1) Each entity receiving money under subsection (b).

(2) Each entity receiving money under subsection (d)(1) through (d)(2).

(3) Each entity receiving money under subsection (d)(5) through (d)(7).

The treasurer of state shall determine the total amount of money paid by the treasurer of state to an entity subject to this subsection during the state fiscal year 2002. The amount determined under this subsection is the base year revenue for each entity subject to this subsection. The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(i) This subsection applies to an entity receiving money under subsection (d)(3) or (d)(4). The treasurer of state shall determine the total amount of money paid by the treasurer of state to the entity described in subsection (d)(3) during state fiscal year 2002. The amount determined under this subsection multiplied by nine-tenths (0.9) is the base year revenue for the entity described in subsection (d)(3). The amount determined under this subsection multiplied by one-tenth (0.1) is the base year revenue for the entity described in subsection (d)(4). The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(j) This subsection does not apply to an entity receiving money under subsection (c). For state fiscal years beginning after June 30, 2002, the total amount of money distributed to an entity under this section during a state fiscal year may not exceed the entity's base year revenue as determined under subsection (h) or (i). If the treasurer of state determines that the total amount of money distributed to an entity under this section during a state fiscal year is less than the entity's base year revenue, the treasurer of state shall make a supplemental distribution to the entity under IC 4-33-13-5(g).

(k) This subsection does not apply to an entity receiving money under subsection (c). For state fiscal years beginning after June 30, 2002, the treasurer of state shall pay that part of the riverboat admissions taxes that:

(1) ~~exceed~~ **exceeds** a particular entity's base year revenue; and

(2) would otherwise be due to the entity under this section; to the property tax replacement fund instead of to the entity.

SECTION 11. IC 4-33-12-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7. (a) The maximum amount paid to the Indiana horse racing commission under this article in a state fiscal year ending before July 1, 2009, may not exceed the remainder of:**

(1) the Indiana horse racing commission's base year revenue as determined under section 6(h) of this chapter; minus

(2) the amount of slot machine taxes, if any, distributed to the Indiana horse racing commission under IC 4-35-8-3 in the state fiscal year.

(b) For a state fiscal year ending before July 1, 2009, the treasurer of state shall pay an amount equal to the lesser of:

(1) the amount of admissions taxes specified in:

(A) section 6(b)(6) of this chapter; and

(B) section 6(d)(7) of this chapter; or

(2) the amount of slot machine taxes subtracted from the Indiana horse racing commission's base year revenue under subsection (a);

to the Indiana health insurance fund established by IC 4-35-8-8 instead of to the Indiana horse racing commission.

(c) For a state fiscal year beginning after June 30, 2009, the Indiana horse racing commission is not entitled to a distribution of admissions taxes collected under this chapter. After June 30, 2009, the treasurer of state shall pay the total amount of admissions taxes specified in:

(1) section 6(b)(6) of this chapter; and

(2) section 6(d)(7) of this chapter;

to the Indiana health insurance fund established by IC 4-35-8-8 instead of to the Indiana horse racing commission.

SECTION 12. IC 4-33-13-5, AS AMENDED BY P.L.91-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This subsection does not apply to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

(1) The first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter shall be set aside for revenue sharing under subsection (e).

(2) Subject to subsection (c), twenty-five percent (25%) of the remaining tax revenue remitted by each licensed owner shall be paid:

(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of:

(i) a city described in IC 4-33-12-6(b)(1)(A); or

(ii) a city located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) to the county that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a riverboat whose home dock is not in a city described in clause (A).

(3) Subject to subsection (d), the remainder of the tax revenue remitted by each licensed owner shall be paid to the property tax replacement fund. In each state fiscal year, the treasurer of state shall make the transfer required by this subdivision not later than the last business day of the month in which the tax revenue is remitted to the state for deposit in the state gaming fund. However, if tax revenue is received by the state on the last business day in a month, the treasurer of state may transfer the tax revenue to the property tax replacement fund in the immediately following month.

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter as follows:

(1) Thirty-seven and one-half percent (37.5%) shall be paid to the property tax replacement fund established under

IC 6-1.1-21.

(2) Thirty-seven and one-half percent (37.5%) shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b). However, at any time the balance in that fund exceeds twenty million dollars (\$20,000,000), the amount described in this subdivision shall be paid to the property tax replacement fund established under IC 6-1.1-21.

(3) Five percent (5%) shall be paid to the historic hotel preservation commission established under IC 36-7-11.5.

(4) Ten percent (10%) shall be paid in equal amounts to each town that:

(A) is located in the county in which the riverboat docks; and

(B) contains a historic hotel.

The town council shall appropriate a part of the money received by the town under this subdivision to the budget of the town's tourism commission.

(5) Ten percent (10%) shall be paid to the county treasurer of the county in which the riverboat is docked. The county treasurer shall distribute the money received under this subdivision as follows:

(A) Twenty percent (20%) shall be quarterly distributed to the county treasurer of a county having a population of more than thirty-nine thousand six hundred (39,600) but less than forty thousand (40,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(B) Twenty percent (20%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(C) Sixty percent (60%) shall be retained by the county where the riverboat is docked for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body shall provide for the distribution of part or all of the money received under this clause to the following under a formula established by the county fiscal body:

(i) A town having a population of more than two thousand two hundred (2,200) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).

(ii) A town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).

(c) For each city and county receiving money under subsection (a)(2), the treasurer of state shall determine the total amount of money paid by the treasurer of state to the city or county during the state fiscal year 2002. The amount determined is the base year revenue for the city or county. The treasurer of state shall

certify the base year revenue determined under this subsection to the city or county. The total amount of money distributed to a city or county under this section during a state fiscal year may not exceed the entity's base year revenue. For each state fiscal year, the treasurer of state shall pay that part of the riverboat wagering taxes that:

- (1) exceeds a particular city's or county's base year revenue; and
- (2) would otherwise be due to the city or county under this section;

to the property tax replacement fund instead of to the city or county.

(d) Each state fiscal year the treasurer of state shall transfer from the tax revenue remitted to the property tax replacement fund under subsection (a)(3) to the build Indiana fund an amount that when added to the following may not exceed two hundred fifty million dollars (\$250,000,000):

- (1) Surplus lottery revenues under IC 4-30-17-3.
- (2) Surplus revenue from the charity gaming enforcement fund under IC 4-32.2-7-7.
- (3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.

The treasurer of state shall make transfers on a monthly basis as needed to meet the obligations of the build Indiana fund. If in any state fiscal year insufficient money is transferred to the property tax replacement fund under subsection (a)(3) to comply with this subsection, the treasurer of state shall reduce the amount transferred to the build Indiana fund to the amount available in the property tax replacement fund from the transfers under subsection (a)(3) for the state fiscal year.

(e) Before August 15 of each year, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing under subsection (a)(1) to the county treasurer of each county that does not have a riverboat **or a racetrack that offers slot machine wagering under IC 4-35** according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat **or a racetrack that offers slot machine wagering under IC 4-35**. Except as provided in subsection (h), the county auditor shall distribute the money received by the county under this subsection as follows:

- (1) To each city located in the county according to the ratio the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

(f) Money received by a city, town, or county under subsection (e) or (h) may be used for any of the following purposes:

- (1) To reduce the property tax levy of the city, town, or county for a particular year (a property tax reduction under this subdivision does not reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5).
- (2) For deposit in a special fund or allocation fund created under IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and IC 36-7-30 to provide funding for additional credits for property tax replacement in property tax increment allocation areas or debt repayment.
- (3) To fund sewer and water projects, including storm water management projects.
- (4) For police and fire pensions.
- (5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county. Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5.

(g) This subsection does not apply to an entity receiving money under IC 4-33-12-6(c). Before September 15 of each year, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state fiscal year. If the treasurer of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state fiscal year was less than the entity's base year revenue (as determined under IC 4-33-12-6), the treasurer of state shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the property tax replacement fund. **Except as provided in subsection (i), the amount of the an entity's supplemental distribution is equal to:**

- (1) the entity's base year revenue (as determined under IC 4-33-12-6); minus
- (2) the sum of:
 - (A) the total amount of money distributed to the entity during the preceding state fiscal year under IC 4-33-12-6; plus
 - (B) any amounts deducted under IC 6-3.1-20-7.

(h) This subsection applies only to a county containing a consolidated city. The county auditor shall distribute the money received by the county under subsection (e) as follows:

- (1) To each city, other than a consolidated city, located in the county according to the ratio that the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio that the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be paid in equal amounts to the consolidated city and the county.

(i) This subsection applies only to the Indiana horse racing commission. For a state fiscal year ending before July 1, 2009, the amount of the Indiana horse racing commission's supplemental distribution under subsection (g) must be reduced by the amount required to comply with IC 4-33-12-7(a). For a state fiscal year beginning after June 30, 2009, the Indiana horse racing commission is not entitled to a supplemental distribution under subsection (g).

SECTION 13. IC 4-33-18-9, AS AMENDED BY P.L.91-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Nothing in this chapter may be construed to limit the powers or responsibilities of:

- (1) the ~~Indiana state~~ lottery commission under IC 4-30;
- (2) the Indiana horse racing commission under IC 4-31; or
- (3) the Indiana gaming commission under IC 4-32.2, ~~or~~ IC 4-33, **or IC 4-35.**

(b) The department may not exercise any administrative or regulatory powers with respect to:

- (1) the Indiana lottery under IC 4-30;
- (2) pari-mutuel horse racing under IC 4-31;
- (3) charity gaming under IC 4-32.2; ~~or~~
- (4) riverboat casino gambling under IC 4-33; **or**
- (5) **gambling games conducted at a racetrack (as defined in IC 4-35-2-8) under IC 4-35.**

SECTION 14. IC 4-35 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 35. GAMBLING GAMES AT RACETRACKS **Chapter 1. Application**

Sec. 1. This article applies only to gambling games conducted by a permit holder holding a gambling game license issued under IC 4-35-5.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Adjusted gross receipts" means:

- (1) the total of all cash and property (including checks received by a licensee, whether collected or not) received by a licensee from gambling games; minus
- (2) the total of:

- (A) all cash paid out to patrons as winnings for gambling games; and
- (B) uncollectible gambling game receivables, not to exceed the lesser of:
 - (i) a reasonable provision for uncollectible patron checks received from gambling games; or
 - (ii) two percent (2%) of the total of all sums, including checks, whether collected or not, less the amount paid out to patrons as winnings for gambling games.

For purposes of this section, a counter or personal check that is invalid or unenforceable under this article is considered cash received by the licensee from gambling games.

Sec. 3. "Commission" refers to the Indiana gaming commission established by IC 4-33-3-1.

Sec. 4. "Department" refers to the department of state revenue.

Sec. 5. "Gambling game" means a game played on a slot machine approved for wagering under this article by the commission.

Sec. 6. "Licensee" means a permit holder holding a gambling game license issued under IC 4-35-5.

Sec. 7. "Permit holder" means a person holding a permit issued under IC 4-31-5 to conduct a pari-mutuel horse racing meeting.

Sec. 8. "Racetrack" means the racetrack specified in a permit holder's permit to conduct a pari-mutuel horse racing meeting.

Sec. 9. "Supplier's license" means a license issued under IC 4-35-6.

Chapter 3. General Provisions

Sec. 1. All shipments of slot machines to licensees in Indiana, the registering, recording, and labeling of which have been completed by the manufacturer or dealer in accordance with 15 U.S.C. 1171 through 15 U.S.C. 1178, are legal shipments of gambling devices into Indiana.

Sec. 2. Under 15 U.S.C. 1172, approved January 2, 1951, the state of Indiana, acting by and through elected and qualified members of the general assembly, declares that the state is exempt from 15 U.S.C. 1172.

Chapter 4. Powers and Duties of the Indiana Gaming Commission

Sec. 1. The commission shall regulate and administer gambling games conducted by a licensee under this article.

Sec. 2. The commission shall do the following:

- (1) Adopt rules under IC 4-22-2 that the commission determines are necessary to protect or enhance the following:
 - (A) The credibility and integrity of gambling games authorized under this article.
 - (B) The regulatory process provided in this article.
- (2) Conduct all hearings concerning civil violations of this article.
- (3) Provide for the establishment and collection of license fees imposed under this article, and deposit the license fees in the state general fund.
- (4) Levy and collect penalties for noncriminal violations of this article and deposit the penalties in the state general fund.
- (5) Adopt appropriate standards for the design, appearance, aesthetics, and construction of slot machine facilities authorized under this article.

Sec. 3. The commission shall adopt rules under IC 4-22-2 for the following purposes:

- (1) Administering this article.
- (2) Establishing the conditions under which gambling

games at racetracks may be conducted.

(3) Providing for the prevention of practices detrimental to the public interest.

(4) Establishing rules concerning the inspection of gambling game facilities at racetracks and the review of the licenses necessary to conduct gambling games under this article.

(5) Imposing penalties for noncriminal violations of this article.

Sec. 4. The commission may enter into a contract with the Indiana horse racing commission for the provision of services necessary to administer this article.

Chapter 5. Gambling Game License

Sec. 1. The commission may issue a license to a permit holder to conduct gambling games under this article at the permit holder's racetrack. The number of licenses issued under this chapter may not exceed two (2).

Sec. 2. Before issuing a license to a person under this chapter, the commission shall subject the person to a background investigation similar to a background investigation required for an applicant for a riverboat owner's license under IC 4-33-6.

Sec. 3. A permit holder that is issued a gambling game license under this article must pay an initial licensing fee of seventy-five million dollars (\$75,000,000). The fee required under this section must be paid to the commission before September 1, 2007.

Sec. 4. (a) An initial gambling game license expires ten (10) years after the effective date of the license. Unless the gambling game license is terminated or revoked, the gambling game license may be renewed annually thereafter upon:

- (1) the payment of an annual renewal fee of five thousand dollars (\$5,000); and
- (2) a determination by the commission that the licensee satisfies the conditions of this chapter.

(b) An initial gambling game license must be held by the licensee for at least ten (10) years.

Sec. 5. (a) The commission shall conduct a complete investigation of each licensee every three (3) years to determine whether the licensee remains in compliance with this article.

(b) Notwithstanding subsection (a), the commission may investigate a licensee at any time the commission determines it is necessary to ensure that the licensee remains in compliance with this article.

Sec. 6. A permit holder or other person investigated under this chapter shall bear the cost of the investigation.

Sec. 7. (a) A licensee or any other person must apply for and receive the commission's approval before:

- (1) a gambling game license is:
 - (A) transferred;
 - (B) sold; or
 - (C) purchased; or
- (2) a voting trust agreement or other similar agreement is established with respect to the gambling game license.

(b) The commission shall adopt rules governing the procedure a licensee or other person must follow to take an action under subsection (a). The rules must specify that a person who obtains an ownership interest in a gambling game license must meet the criteria of this article and comply with the rules adopted by the commission. A licensee may transfer a gambling game license only in accordance with this article and the rules adopted by the commission.

(c) A person may not:

- (1) lease;
- (2) hypothecate; or
- (3) borrow or loan money against;

a gambling game license.

(d) A transfer fee is imposed on a person who sells or

otherwise relinquishes a controlling interest, as determined under the rules of the commission, in a gambling game license. The fee is equal to the greater of:

- (1) zero (0); or
- (2) the product of:
 - (A) five-tenths (0.5); multiplied by
 - (B) the result of:
 - (i) the amount of the selling price of the controlling interest; minus
 - (ii) seventy-five million dollars (\$75,000,000).

Sec. 8. The commission shall transfer:

- (1) fees collected under this chapter; and
- (2) all investigation costs recovered under this chapter; to the treasurer of state for deposit in the state general fund.

Chapter 6. Slot Machine Suppliers

Sec. 1. The commission may issue a supplier's license under this chapter to a person if:

- (1) the person has:
 - (A) applied for the supplier's license;
 - (B) paid a nonrefundable application fee set by the commission;
 - (C) paid a five thousand dollar (\$5,000) annual supplier's license fee; and
 - (D) submitted, on forms provided by the commission, two (2) sets of:
 - (i) the individual's fingerprints, if the applicant is an individual; or
 - (ii) fingerprints for each officer and director of the applicant, if the applicant is not an individual; and
- (2) the commission has determined that the applicant is eligible for a supplier's license.

Sec. 2. A person may not receive a supplier's license under this chapter if:

- (1) the person has been convicted of a felony under Indiana law, the laws of any other state, or the laws of the United States;
- (2) the person has knowingly or intentionally submitted an application for a supplier's license under this chapter that contains false information;
- (3) the person is a member of the commission;
- (4) the person is an officer, a director, or a managerial employee of a person described in subdivision (1) or (2);
- (5) the person employs an individual who:
 - (A) is described in subdivision (1), (2), or (3); or
 - (B) participates in the management or operation of gambling operations authorized under this article;
- (6) the person owns more than a ten percent (10%) ownership interest in any other person holding a permit issued under IC 4-31; or
- (7) a license issued to the person:
 - (A) under this article;
 - (B) under IC 4-33-7; or
 - (C) to supply gaming supplies in another jurisdiction;
 has been revoked.

Sec. 3. A holder of a supplier's license may:

- (1) sell;
- (2) lease; or
- (3) contract to sell or lease;

a slot machine to a licensee.

Sec. 4. A person may not furnish slot machines to a licensee unless the person possesses a supplier's license.

Sec. 5. A slot machine may not be distributed for use under this article unless the slot machine conforms to standards adopted by the commission.

Sec. 6. (a) A supplier shall furnish to the commission a list of all slot machines offered for sale or lease in connection with gambling games authorized under this article.

(b) A supplier shall keep books and records for the

furnishing of slot machines to licensees. The books and records required under this subsection must be kept separate from the books and records of any other business operated by the supplier.

(c) A supplier shall file a quarterly return with the commission listing all sales and leases.

(d) A supplier shall permanently affix the supplier's name to all slot machines that the supplier provides to licensees under this chapter.

Sec. 7. If the commission determines that a supplier's slot machine has been used by a person in an unauthorized gambling operation, the slot machine shall be forfeited to the state.

Sec. 8. Slot machines operated under this article may be:

- (1) repaired on the premises of a racetrack; or
- (2) removed for repair from the racetrack to a facility owned by the licensee.

Sec. 9. (a) Unless a supplier's license is suspended, expires, or is revoked, the supplier's license may be renewed annually upon:

- (1) the payment of a five thousand dollar (\$5,000) annual renewal fee; and
- (2) a determination by the commission that the holder of the supplier's license is in compliance with this article.

(b) The commission shall conduct a complete investigation of each holder of a supplier's license every three (3) years to determine whether the holder of the supplier's license is in compliance with this article.

(c) Notwithstanding subsection (b), the commission may investigate the holder of a supplier's license at any time the commission determines it is necessary to ensure that the holder of the supplier's license is in compliance with this article.

(d) The holder of a supplier's license shall bear the cost of an investigation or a reinvestigation of the licensee and any investigation resulting from a potential transfer of ownership.

Sec. 10. The commission shall transfer:

- (1) fees collected under this chapter; and
- (2) all investigation costs recovered under this chapter; to the treasurer of state for deposit in the state general fund.

Chapter 7. Conduct of Gambling Games at Racetracks

Sec. 1. Gambling games authorized under this article may not be conducted anywhere other than a slot machine facility located at a racetrack.

Sec. 2. (a) A person who is less than twenty-one (21) years of age may not wager on a slot machine.

(b) Except as provided in subsection (c), a person who is less than twenty-one (21) years of age may not be present in the area of a racetrack where gambling games are conducted.

(c) A person who is at least eighteen (18) years of age and who is an employee of the racetrack may be present in the area of the racetrack where gambling games are conducted. However, an employee who is less than twenty-one (21) years of age may not perform any function involving gambling by the patrons of the licensee's slot machine facility.

Sec. 3. Minimum and maximum wagers on gambling games shall be determined by the licensee.

Sec. 4. The following may inspect a licensee's slot machine facility at any time to determine if this article is being violated:

- (1) Employees of the commission.
- (2) Officers of the state police department.

Sec. 5. Employees of the commission have the right to be present in a licensee's slot machine facility.

Sec. 6. A slot machine may be purchased or leased only from a supplier licensed under this article.

Sec. 7. Slot machine wagering is the only form of wagering

permitted in a licensee's slot machine facility.

Sec. 8. Wagers may be received only from a person present in a licensee's slot machine facility. A person present in a licensee's slot machine facility may not place or attempt to place a wager on behalf of a person who is not present in the licensee's slot machine facility.

Sec. 9. Wagering may not be conducted with money or other negotiable currency.

Sec. 10. (a) A patron may make a wager at a racetrack only by means of:

- (1) a token; or
- (2) an electronic card;

purchased from a licensee at the licensee's racetrack.

(b) A token or an electronic card may be purchased by means of an agreement under which a licensee extends credit to the patron.

Sec. 11. A token or an electronic card described in section 10 of this chapter may be used by a patron while the patron is present at the racetrack only to make a wager on a slot machine authorized under this article.

Sec. 12. (a) A licensee may not initially install more than two thousand five hundred (2,500) slot machines on the premises of the licensee's racetrack.

(b) A licensee may not install additional slot machines on the premises of the licensee's racetrack unless the installation is approved by the commission.

Sec. 13. (a) The Indiana horse racing commission shall enforce the requirements of this section.

(b) A licensee shall annually devote to horse racing purses an amount equal to at least fifteen percent (15%) of the adjusted gross receipts from slot machine wagering at the licensee's racetrack.

(c) The commission shall provide the Indiana horse racing commission with the information necessary to enforce this section.

(d) The Indiana horse racing commission shall investigate any complaint that a licensee has failed to comply with the horse racing purse requirements set forth in this section. If, after notice and a hearing, the Indiana horse racing commission finds that a licensee has failed to comply with the purse requirements set forth in this section, the Indiana horse racing commission may:

- (1) issue a warning to the licensee;
- (2) impose a civil penalty that may not exceed one million dollars (\$1,000,000); or
- (3) suspend a meeting permit issued under IC 4-31-5 to conduct a pari-mutuel wagering horse racing meeting in Indiana.

(e) A civil penalty collected under this section must be deposited in the Indiana health insurance fund established by IC 4-35-8-8.

Chapter 8. Taxation of Slot Machine Wagering

Sec. 1. (a) A slot machine wagering tax is imposed on the adjusted gross receipts received from wagering on gambling games authorized by this article at the rate of:

- (1) thirty-two and five-tenths percent (32.5%) of the first one hundred fifty million dollars (\$150,000,000) of the adjusted gross receipts received during the period beginning July 1 of each year and ending June 30 of the following year; and
- (2) thirty-seven and five-tenths percent (37.5%) of the adjusted gross receipts exceeding one hundred fifty million dollars (\$150,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(b) A licensee shall remit the tax imposed by this section to the department before the close of the business day following the day the wagers are made.

(c) The department may require payment under this section to be made by electronic funds transfer (as defined in

IC 4-8.1-2-7(f)).

(d) If the department requires taxes to be remitted under this chapter through electronic funds transfer, the department may allow the licensee to file a monthly report to reconcile the amounts remitted to the department.

(e) The payment of the tax under this section must be on a form prescribed by the department.

Sec. 2. (a) The state racetrack gaming fund is established.

(b) The department shall deposit tax revenue collected under section 1 of this chapter in the state racetrack gaming fund.

(c) Money in the state racetrack gaming fund is continuously appropriated for the purposes of this chapter.

Sec. 3. (a) This section applies to the first twenty-seven million two hundred five thousand two hundred eighty-four dollars (\$27,205,284) deposited in the state racetrack gaming fund in a state fiscal year ending before July 1, 2009.

(b) Before the fifteenth day of each month, the treasurer of state shall distribute the tax revenue deposited in the state racetrack gaming fund in the preceding month to the Indiana horse racing commission to be distributed in amounts determined by the Indiana horse racing commission as follows:

- (1) To one (1) or more breed development funds established by the Indiana horse racing commission under IC 4-31-11-10.
- (2) To a racetrack that was approved by the Indiana horse racing commission under IC 4-31. The commission may make a grant under this subdivision only for purses, promotions, and routine operations of the racetrack. A grant may not be made for long term capital investment or construction, and a grant may not be made before the racetrack becomes operational and is offering a racing schedule.

Sec. 4. (a) This section applies to the tax revenue deposited in the state racetrack gaming fund that exceeds twenty-seven million two hundred five thousand two hundred eighty-four dollars (\$27,205,284) in a state fiscal year ending before July 1, 2009.

(b) The treasurer of state shall transfer the tax revenue described in subsection (a) to the state general fund.

Sec. 5. (a) This section applies to a state fiscal year beginning after June 30, 2009.

(b) Before the fifteenth day of each month, the treasurer of state shall transfer the tax revenue deposited in the state racetrack gaming fund in the previous month as follows:

- (1) An amount equal to twenty percent (20%) of the tax revenue remitted in the previous month by the racetrack located in Madison County to the treasurer of Madison County.
- (2) An amount equal to twenty percent (20%) of the tax revenue remitted in the previous month by the racetrack located in Shelby County to the treasurer of Shelby County.
- (3) The remaining tax revenue deposited in the state racetrack gaming fund in the previous month to the state general fund.

Sec. 6. The auditor of each county containing a racetrack shall distribute the tax revenues transferred to the county under section 5 of this chapter as follows:

- (1) To each city located in the county according to the ratio the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

Sec. 7. (a) As used in this section, "political subdivision"

means a county, city, or town.

(b) Money paid to a political subdivision under this chapter:

- (1) must be paid to the fiscal officer of the political subdivision and must be deposited in the political subdivision's general fund;
- (2) may not be used to reduce the political subdivision's maximum levy under IC 6-1.1 but may be used at the discretion of the political subdivision to reduce the property tax levy of the political subdivision for a particular year;
- (3) may be used for any purpose specified in this chapter or for any other legal or corporate purpose of the political subdivision, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and
- (4) is considered miscellaneous revenue.

Sec. 8. (a) As used in this section, "fund" refers to the Indiana health insurance fund established under subsection (b).

(b) The Indiana health insurance fund is established. The fund consists of amounts deposited under IC 4-33 and this article.

(c) The fund shall be administered by the treasurer of state. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund does not revert to the state general fund at the end of a state fiscal year.

(d) Money in the fund must be used to provide health insurance to Indiana residents who reside in a household with an annual household income that is less than three hundred percent (300%) of the federal income poverty level.

(e) Money in the fund is continuously appropriated for the purposes of this section.

Chapter 9. Penalties

Sec. 1. This chapter applies only to gambling games authorized under this article.

Sec. 2. A person who knowingly or intentionally aids, induces, or causes a person who is:

- (1) less than twenty-one (21) years of age; and
- (2) not an employee of a licensee;

to enter or attempt to enter the licensee's slot machine facility commits a Class A misdemeanor.

Sec. 3. A person who:

- (1) is not an employee of a licensee;
- (2) is less than twenty-one (21) years of age; and
- (3) knowingly or intentionally enters the licensee's slot machine facility;

commits a Class A misdemeanor.

Sec. 4. A person who knowingly or intentionally:

- (1) makes a false statement on an application submitted under this article;
- (2) conducts a gambling game in a manner other than the manner required under this article; or
- (3) wagers or accepts a wager at a location other than a licensee's slot machine facility;

commits a Class A misdemeanor.

Sec. 5. A person who knowingly or intentionally does any of the following commits a Class D felony:

- (1) Offers, promises, or gives anything of value or benefit:
 - (A) to a person who is connected with a licensee, including an officer or employee of a licensee; and
 - (B) under an agreement to influence or with the intent to influence:
 - (i) the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a gambling game;

or

(ii) an official action of a commission member.

(2) Solicits, accepts, or receives a promise of anything of value or benefit:

- (A) while the person is connected with a licensee, including as an officer or employee of a licensee; and
- (B) under an agreement to influence or with the intent to influence:

- (i) the actions of the person to affect or attempt to affect the outcome of a gambling game; or
- (ii) an official action of a commission member.

(3) Uses or possesses with the intent to use a device to assist in:

- (A) projecting the outcome of a gambling game;
- (B) analyzing the probability of the occurrence of an event related to a gambling game; or
- (C) analyzing the strategy for playing or betting to be used in a gambling game, except as permitted by the commission.

(4) Cheats at a gambling game.

(5) Manufactures, sells, or distributes any game or device that is intended to be used to violate this article.

(6) Alters or misrepresents the outcome of a gambling game on which wagers have been made after the outcome is made sure but before the outcome is revealed to the players.

(7) Places a bet on the outcome of a gambling game after acquiring knowledge that:

- (A) is not available to all players; and
- (B) concerns the outcome of the gambling game that is the subject of the bet.

(8) Aids a person in acquiring the knowledge described in subdivision (7) to place a bet contingent on the outcome of a gambling game.

(9) Claims, collects, takes, or attempts to claim, collect, or take money or anything of value in or from a gambling game:

- (A) with the intent to defraud; or
- (B) without having made a wager contingent on winning a gambling game.

(10) Claims, collects, or takes an amount of money or a thing of value that is of greater value than the amount won in a gambling game.

(11) Uses or possesses counterfeit tokens in or for use in a gambling game.

(12) Possesses a key or device designed for:

- (A) opening, entering, or affecting the operation of a gambling game, a drop box, or an electronic or a mechanical device connected with the gambling game; or
- (B) removing coins, tokens, or other contents of a gambling game.

This subdivision does not apply to a licensee or an employee of a licensee acting in the course of the employee's employment.

(13) Possesses materials used to manufacture a slug or device intended to be used in a manner that violates this article.

Chapter 10. Employment

Sec. 1. (a) This section applies if a permit holder's employees are covered under the terms of a collective bargaining agreement that is in effect at the time a gambling game license is issued to the permit holder under IC 4-35-5.

(b) If a permit holder has nonsupervisory employees whose work is:

- (1) directly related to:
 - (A) pari-mutuel terminal operations; or
 - (B) money room functions associated with pari-mutuel wagering on horse racing; and
- (2) covered under the terms of a collective bargaining

agreement;
the permit holder shall, subject to subsection (c), staff nonsupervisory positions directly related to the operation of gambling games under this article with employees whose work is covered under the terms of a collective bargaining agreement.

(c) The employees described in subsection (b) must be qualified to meet the licensing requirements of this article and any criteria required by the commission in rules adopted under IC 4-22-2.

Sec. 2. The job classifications, job duties, wage rates, and benefits of nonsupervisory positions related to gambling games may be established by agreement of the parties to a collective bargaining agreement or, in the absence of an agreement, by the permit holder.

SECTION 15. IC 6-8.1-1-1, AS AMENDED BY P.L.162-2006, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the riverboat admissions tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); **the slot machine wagering tax (IC 4-35-8)**; the gross income tax (IC 6-2.1) (repealed); the utility receipts and utility services use taxes (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the county adjusted gross income tax (IC 6-3.5-1.1); the county option income tax (IC 6-3.5-6); the county economic development income tax (IC 6-3.5-7); the municipal option income tax (IC 6-3.5-8); the auto rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the alternative fuel permit fee (IC 6-6-2.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); the commercial vehicle excise tax (IC 6-6-5.5); the hazardous waste disposal tax (IC 6-6-6.6); the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil inspection fee (IC 16-44-2); the emergency and hazardous chemical inventory form fee (IC 6-6-10); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-30); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-30); the underground storage tank fee (IC 13-23); the solid waste management fee (IC 13-20-22); and any other tax or fee that the department is required to collect or administer.

SECTION 16. IC 35-45-5-7, AS AMENDED BY P.L.91-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. This chapter does not apply to the publication or broadcast of an advertisement, a list of prizes, or other information concerning:

- (1) pari-mutuel wagering on horse races or a lottery authorized by the law of any state; **or**
- (2) a game of chance operated in accordance with IC 4-32.2; **or**
- (3) **a gambling game operated in accordance with IC 4-35.**

SECTION 17. IC 35-45-5-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. **This chapter does not apply to a gambling game authorized by IC 4-35.**

SECTION 18. [EFFECTIVE UPON PASSAGE] (a) **If the Indiana gaming commission determines that a permit holder (as defined in IC 4-35-2-7, as added by this act) has met the requirements of this act, the Indiana gaming commission shall adopt a resolution authorizing the permit holder to**

conduct gambling games under IC 4-35, as added by this act. The Indiana gaming commission may exercise any power necessary to implement this act under a resolution authorized under this SECTION.

(b) Subject to subsection (c), the Indiana gaming commission shall authorize a permit holder to conduct gambling games in a temporary facility upon the Indiana gaming commission's approval of the permit holder's plans for a permanent facility. Gambling games may be conducted in a temporary facility under this SECTION for not more than eighteen (18) months.

(c) The Indiana gaming commission may not approve gambling games in a temporary facility under this SECTION unless the temporary facility is located at a permit holder's race track or on real estate that is adjacent to the permit holder's race track.

(d) **This SECTION expires January 1, 2010.**

SECTION 19. **An emergency is declared for this act.**

(Reference is to HB 1835 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 3.

VAN HAAFTEN, Chair

Report adopted.

With consent of the members, the Speaker returned to bills on third reading.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1081

Representative Tincher called down Engrossed House Bill 1081 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 119: yeas 77, nays 18. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray and Lewis.

Representative Pelath was excused.

Engrossed House Bill 1167

Representative Micon called down Engrossed House Bill 1167 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 120: yeas 78, nays 15. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Alting and Sipes.

Engrossed House Bill 1210

Representative VanHaaften called down Engrossed House Bill 1210 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 121: yeas 93, nays 0. The bill was declared passed.

The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray and Lanane.

Engrossed House Bill 1274

Representative Herrell called down Engrossed House Bill 1274 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 122: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray and Lewis.

Engrossed House Bill 1379

Representative Hoy called down Engrossed House Bill 1379 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 123: yeas 52, nays 41. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Deig.

Engrossed House Bill 1382

Representative L. Lawson called down Engrossed House Bill 1382 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 124: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Becker, Mrvan, and Landske.

Engrossed House Bill 1479

Representative VanHaaften called down Engrossed House Bill 1479 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Representative Murphy was excused from voting, pursuant to House Rule 46. Roll Call 125: yeas 83, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Riegsecker and Deig.

Representative Pelath, who had been excused, was present.

Engrossed House Bill 1738

Representative Welch called down Engrossed House Bill 1738 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning

utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Representative Elrod was excused from voting, pursuant to House Rule 46. Roll Call 126: yeas 68, nays 24. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Gard and Simpson.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:15 p.m. with the Speaker in the Chair.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 127: 69 present. The Speaker declared a quorum present.

Representative Wolkins was excused for the rest of the day.

With consent of the members, the Speaker returned to reports from committees.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred House Bill 1033, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-41-27-16.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 16.6. (a) Each year during National Fire Prevention Week, the operator of a mobile home community is encouraged to provide a written reminder to the owners of all manufactured homes in the mobile home community to replace the batteries in all weather radios contained in their manufactured homes.**

(b) Any reminder, assistance, or instructions provided by an operator of a mobile home community concerning the function of a weather radio contained in a manufactured home shall not subject the operator to liability for the functionality of that weather radio."

Page 1, line 3, after "to" insert "**a person that installs**".

Page 1, line 3, delete "mobile" and insert "**manufactured**".

Page 1, line 3, delete "that is".

Page 1, line 4, delete "installed".

Page 1, delete lines 5 through 12, begin a new paragraph and insert:

"(b) A person shall permanently affix a weather radio in a prominent location inside each manufactured home that the person installs. The weather radio must be equipped with the following features:

(1) Tone alarm activation.

(2) Specific alert message encoding, or SAME, technology.

(3) Public alert standard (CEA-2009) certification."

Page 1, after line 12, begin a new paragraph and insert:

"SECTION 3. IC 34-30-2-83.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 83.2.**

IC 16-14-27-16.6 (Concerning an operator of a mobile home community providing a reminder, assistance, or instructions concerning the function of a weather radio contained in a manufactured home.)"

Renumber all SECTIONS consecutively.

(Reference is to HB 1033 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

RESKE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred House Bill 1046, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 3, delete "or IC 24-5-14.5." and insert "IC 24-5-14.5, or IC 24-5-14.6."

Page 6, after line 17, begin a new paragraph and insert:

"SECTION 3. IC 24-5-14.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 14.6. Customer Records of Telecommunications Service Providers

Sec. 1. (a) As used in this section, "confidential customer records" refers to any of the following:

(1) Information that:

- (A) relates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service subscribed to by a customer of a telecommunications service provider; and
- (B) is made available to the telecommunications service provider by the customer solely by virtue of the relationship between the customer and telecommunications service provider.

(2) Information contained in any:

- (A) bill;
- (B) itemization; or
- (C) account statement;

issued to a customer by a telecommunications service provider for telecommunications service offered by the provider and subscribed to by the customer.

(b) The term does not include:

- (1) information collected for or on behalf of customers subscribing to caller ID service (as defined in IC 24-5-14.5-3) or other similar technologies;
- (2) collective data:

(A) that:

- (i) is maintained by a telecommunications service provider; and
- (ii) relates to a group or category of services or customers; and

(B) from which individual customer identities and characteristics have been removed; or

- (3) subscriber list information (as defined in 47 U.S.C. 222(h)(3)).

Sec. 2. (a) As used in this chapter, "telecommunications service provider":

- (1) has the meaning set forth in IC 8-1-2.9-0.5; and
- (2) includes an employee, officer, or agent of the telecommunications service provider acting in the course of the person's employment or relationship with the telecommunications service provider.

(b) The term includes a person that offers any of the following:

(1) Voice over Internet Protocol (VOIP).

(2) Voice over power lines.

(3) Any form of wireless telephone service, including the following:

(A) Cellular telephone service.

(B) Broadband personal communications service.

(C) Covered specialized mobile radio service.

(D) Any successor technology, including next generation or third generation service.

Sec. 3. Except as provided in section 7 of this chapter, a person shall not knowingly obtain, or attempt or conspire to obtain, confidential customer records from a telecommunications service provider by doing any of the following:

(1) Making false or fraudulent statements or representations to a telecommunications service provider.

(2) Making false or fraudulent statements or representations to a customer of a telecommunications service provider.

(3) Providing, through any means, including the Internet, a document or other information to a telecommunications service provider if the person knows that the document or other information:

(A) is forged, counterfeit, lost, or stolen;

(B) was obtained fraudulently or without the customer's consent; or

(C) contains a false or fraudulent statement or representation.

(4) Accessing one (1) or more customer accounts of a telecommunications service provider:

(A) through the Internet without the customer's prior authorization; or

(B) by:

(i) accessing without authorization; or

(ii) exceeding the person's authorized access to; a computer data base maintained by the telecommunications service provider.

Sec. 4. Except as provided in section 7 of this chapter, a person shall not knowingly sell or transfer, or attempt or conspire to sell or transfer, confidential customer records of a telecommunications service provider without the prior authorization of the customer to whom the records pertain.

Sec. 5. Except as provided in section 7 of this chapter, a person shall not knowingly:

(1) purchase, receive, or use; or

(2) attempt or conspire to purchase, receive, or use;

confidential customer records of a telecommunications service provider without the prior authorization of the customer to whom the records pertain.

Sec. 6. Except as provided in section 7 of this chapter, a person shall not knowingly:

(1) disclose or allow access to; or

(2) attempt or conspire to:

(A) disclose; or

(B) allow access to;

confidential customer records of a telecommunications service provider without the prior authorization of the customer to whom the records pertain.

Sec. 7. (a) This chapter does not prohibit or restrict:

(1) any lawfully authorized investigative, protective, or intelligence activity of:

(A) the United States;

(B) the state or a political subdivision of the state; or

(C) any other state or a political subdivision of that state; or

(2) any other lawful action of:

(A) a law enforcement agency; or

(B) any officer, employee, or agent of a law enforcement agency;

in connection with the performance of the official duties of the agency.

(b) Section 6 of this chapter does not apply to a telecommunications service provider that discloses or allows access to confidential customer records of the telecommunications service provider:

- (1) in response to a lawful request from:
 - (A) a unit of government described in subsection (a)(1); or
 - (B) a law enforcement agency;
- (2) in compliance with a state or federal law or a court order;
- (3) to another telecommunications service provider to the extent necessary to provide telecommunications service between or within service areas; or
- (4) to a telecommunications service provider (as defined in IC 8-1-32.5-4) that provides communications service (as defined in IC 8-1-32.5-3) to a customer of the telecommunications service provider over the lines or other infrastructure of the telecommunications service provider, to the extent necessary for the telecommunications service provider to provide the communications service subscribed to by the customer.

(c) Notwithstanding sections 5 and 6 of this chapter, a telecommunications service provider may use, disclose, or permit access to confidential customer records of the telecommunications service provider:

- (1) for any of the purposes set forth in 47 U.S.C. 222(d); or
- (2) to the extent necessary to:
 - (A) test the security procedures or systems of the telecommunications service provider for maintaining the confidentiality of customer records and information; or
 - (B) investigate an allegation of misconduct or negligence on the part of an employee, officer, or agent of the telecommunications service provider.

Sec. 8. (a) This section applies to a violation of this chapter that occurs after June 30, 2007.

(b) Except as provided in subsections (c), (h), and (i), this section applies to a telecommunications service provider that discovers or is notified that confidential customer records of the telecommunications service provider have been:

- (1) disclosed to; or
- (2) acquired by;

an unauthorized person in violation of this chapter. A telecommunications service provider to whom this section applies shall notify each Indiana customer whose confidential customer records were disclosed or acquired in violation of this chapter.

(c) This subsection applies to:

- (1) a third party; or
- (2) an affiliate of a telecommunications service provider;

that maintains or administers confidential customer records on behalf of the telecommunications service provider. If a third party or an affiliate described in this subsection discovers or is notified of a violation described in subsection (b), the third party or affiliate shall immediately notify the telecommunications service provider of the violation, subject to subsection (d).

(d) A person required by this section to provide notice of a violation of this chapter shall provide the notice:

- (1) without unreasonable delay; and
- (2) in a manner consistent with:
 - (A) the legitimate needs of law enforcement or the attorney general, as described in subsection (e); and
 - (B) any measures necessary to:
 - (i) determine the scope of the violation; and
 - (ii) restore the reasonable integrity of the

confidential customer records of the telecommunications service provider.

(e) A notice required under this section:

- (1) may be delayed if a law enforcement agency or the attorney general determines that the notice will impede a criminal or civil investigation of the violation of this chapter; and
- (2) shall be made immediately after the law enforcement agency or the attorney general determines that the notice will not compromise the investigation.

(f) Except as provided in subsections (g) and (h), a telecommunications service provider shall provide any notice required under this section to an affected Indiana customer:

- (1) by United States mail; or
- (2) by electronic mail, if the customer has provided the telecommunications service provider with the customer's electronic mail address.

(g) If a telecommunications service provider is required to provide notice under this section to more than five hundred thousand (500,000) Indiana customers, or if the telecommunications service provider determines that the cost of the notice to all affected Indiana customers will be more than two hundred fifty thousand dollars (\$250,000), the telecommunications service provider may elect to provide the notice by using both of the following methods:

- (1) Conspicuous posting of the notice on the web site of the telecommunications service provider, if the telecommunications service provider maintains a web site.
- (2) Notice to major news reporting media in the geographic area in which Indiana customers affected by the violation reside.

(h) A telecommunications service provider that maintains its own customer notification procedures as part of an information privacy policy or a security policy is not required to provide separate notice under this section if the telecommunications service provider's information privacy policy or security policy is at least as stringent as the notice requirements described in this section.

(i) If a violation described in subsection (b) involves the unauthorized acquisition or disclosure of confidential customer records that include any personal information (as defined in IC 24-4.9-2-10) of the affected Indiana customers:

- (1) the telecommunications service provider; and
 - (2) any person described in subsection (c), if applicable;
- shall provide notice in accordance with IC 24-4.9 instead of this section.

(j) A person that:

- (1) is required to give notice under subsection (b) or (c); and
- (2) fails:
 - (A) to give the required notice; or
 - (B) to give the notice in accordance with this section;

commits a deceptive act that is actionable only by the attorney general under this subsection. However, a failure to provide any required notice in connection with a related series of violations of this chapter constitutes one (1) deceptive act for purposes of this subsection. The attorney general may bring an action to obtain any remedy available under IC 24-4.9-4-2 for the breach of the security of a data system.

Sec. 9. (a) Subject to subsection (c), this section applies to a violation of this chapter, other than a violation of section 8 of this chapter, that occurs after June 30, 2007.

(b) A person who knowingly violates this chapter commits a Class B misdemeanor. However, the offense is a Class D felony if the person has a previous unrelated conviction under this chapter.

(c) If a violation of section 4, 5, or 6 of this chapter:

- (1) occurs after June 30, 2007; and

(2) involves the sale, transfer, purchase, receipt, use, or disclosure of confidential customer records obtained in violation of section 3 of this chapter before July 1, 2007;

only the violation of section 4, 5, or 6 of this chapter may be prosecuted under this section.

Sec. 10. (a) Subject to subsection (c), this section applies to a violation of this chapter, other than a violation of section 8 of this chapter, that occurs after June 30, 2007.

(b) A person who violates this chapter commits a deceptive act that is:

(1) actionable by the attorney general under IC 24-5-0.5-4(c); and

(2) subject to the penalties set forth in IC 24-5-0.5.

An action by the attorney general for a violation of this chapter may be brought in the circuit or superior court of Marion County.

(c) If a violation of section 4, 5, or 6 of this chapter:

(1) occurs after June 30, 2007; and

(2) involves the sale, transfer, purchase, receipt, use, or disclosure of confidential customer records obtained in violation of section 3 of this chapter before July 1, 2007;

only the violation of section 4, 5, or 6 of this chapter is a deceptive act subject to IC 24-5-0.5.

Sec. 11. (a) Subject to subsection (d), this section applies to a violation of this chapter, other than a violation of section 8 of this chapter, that occurs after June 30, 2007.

(b) Except as provided in section 12 of this chapter, a person who is aggrieved by a violation of this chapter may bring an action against any other person:

(1) responsible for; or

(2) who knowingly participated in;

the violation. An action under this subsection may be brought in the circuit or superior court of the county of residence of the person bringing the action.

(c) A person who brings an action under subsection (b) may seek any or all of the following damages:

(1) Statutory damages of five hundred dollars (\$500) for each violation of this chapter.

(2) The person's actual damages, including court costs and attorney's fees.

(d) Upon petition by any person that another person has violated this chapter, the circuit or superior court of the petitioner's county of residence or principal place of business in Indiana may enjoin the respondent from further violations. The injunctive relief available under this subsection is in addition to any damages to which the petitioner may be entitled under subsection (c).

(e) If a violation of section 4, 5, or 6 of this chapter:

(1) occurs after June 30, 2007; and

(2) involves the sale, transfer, purchase, receipt, use, or disclosure of confidential customer records obtained in violation of section 3 of this chapter before July 1, 2007;

only the violation of section 4, 5, or 6 of this chapter is actionable by a person, including a customer, under this section.

Sec. 12. A customer does not have a cause of action against a telecommunications service provider for a violation of this chapter unless the violation resulted from the telecommunications service provider's gross negligence or intentional wrongdoing."

Re-number all SECTIONS consecutively.

(Reference is to HB 1046 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

RESKE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1051, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 25, delete "." and insert "**and not for commercial use.**".

(Reference is to HB 1051 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 2.

AUSTIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1140, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 2.

AUSTIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Small Business and Economic Development, to which was referred House Bill 1204, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

ORENTLICHER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Small Business and Economic Development, to which was referred House Bill 1218, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, line 36, after "13." insert "(a)".

Page 8, between lines 41 and 42, begin a new paragraph and insert:

"(b) The corporation may approve up to two (2) applications in a calendar year. Not later than January 31 of each year, the corporation shall report in an electronic format under IC 5-14-6 to the general assembly on the activities and development of the district during the immediately preceding calendar year."

Page 15, line 24, after "arts;" insert "or".

Page 15, delete lines 25 through 26.

Page 15, line 27, delete "(E)" and insert "(D)".

Page 17, after line 14, begin a new paragraph and insert:

"Sec. 27. This chapter expires on December 31 of the calendar year following the second calendar year in which the corporation approves a district under section 13 of this chapter.

SECTION 6. [EFFECTIVE JULY 1, 2007] Notwithstanding IC 36-10-15-27, as added by this act, the Indiana economic development corporation shall provide a report required under IC 36-10-15-13(b), as added by this act, not later than January 31 the calendar year after the year IC 36-10-15 expires under IC 36-10-15-27, as added by this act."

Re-number all SECTIONS consecutively.

(Reference is to HB 1218 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

ORENTLICHER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1256, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-12-23-60 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 60. (a) The board of trustees shall create a diversity committee at the home campus and at each regional campus to do the following:**

- (1) Review and recommend faculty employment policies concerning diversity issues.
- (2) Review faculty and administration personnel complaints concerning diversity issues.
- (3) Make recommendations to promote and maintain cultural diversity among faculty members.
- (4) Make recommendations to promote recruitment and retention of minority students.

(b) The diversity committee shall issue an annual report stating the findings, conclusions, and recommendations of the committee to the board of trustees.

SECTION 2. IC 20-12-38-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2. (a) The board of trustees shall create a diversity committee at the home campus and at each regional campus to do the following:**

- (1) Review and recommend faculty employment policies concerning diversity issues.
- (2) Review faculty and administration personnel complaints concerning diversity issues.
- (3) Make recommendations to promote and maintain cultural diversity among faculty members.
- (4) Make recommendations to promote recruitment and retention of minority students.

(b) The diversity committee shall issue an annual report stating the findings, conclusions, and recommendations of the committee to the board of trustees.

SECTION 3. IC 20-12-56-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 8. (a) The board of trustees shall create a diversity committee to do the following:**

- (1) Review and recommend faculty employment policies concerning diversity issues.
- (2) Review faculty and administration personnel complaints concerning diversity issues.
- (3) Make recommendations to promote and maintain cultural diversity among faculty members.
- (4) Make recommendations to promote recruitment and retention of minority students.

(b) The diversity committee shall issue an annual report stating the findings, conclusions, and recommendations of the committee to the board of trustees.

SECTION 4. IC 20-12-57.5-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 12. (a) The board of trustees shall create a diversity committee to do the following:**

- (1) Review and recommend faculty employment policies concerning diversity issues.
- (2) Review faculty and administration personnel complaints concerning diversity issues.
- (3) Make recommendations to promote and maintain cultural diversity among faculty members.

(4) Make recommendations to promote recruitment and retention of minority students.

(b) The diversity committee shall issue an annual report stating the findings, conclusions, and recommendations of the committee to the board of trustees.

SECTION 5. IC 20-12-61-9, AS AMENDED BY P.L.127-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 9. (a) The state board has the following powers and duties:**

- (1) Initiating, promoting, inaugurating, and developing occupational and technical education programs in a manner consistent with sections 1 through 2 of this chapter.
- (2) Operating, either through committee or through subordinate corporate entities, statewide general, liberal arts, occupational, and technical education programs, which in its opinion should be established due to the specialized nature of the programs, the limited number of students involved, or other unique features requiring special attention.

(3) Contracting with appropriate education institutions, including local public schools or other agencies, to carry out specific programs which can best and most economically be provided through this approach.

(4) Dividing the state into appropriate regions, taking into consideration, but not limited to, factors such as population, potential enrollment, tax bases, and driving distances, and developing an overall state plan which provides for the orderly development of regional technical institutes encompassing, ultimately, all parts of the state into a coordinated system providing a comprehensive program of post-high school general, liberal arts, occupational, and technical education.

(5) Whenever a regional institute is established, issuing a certificate of incorporation and a charter, in a form that the state board provides, to the regional institute, assisting and supervising the development of a regional plan, and coordinating regional programs to avoid unnecessary and wasteful duplication.

(6) Making biennial studies of the budget requirements of the regional institutes and of its own programs and preparing a budget, including anticipated revenues and providing for the construction or rental of facilities requisite to carrying out the needs of Ivy Tech.

(7) Performing or contracting for the performance of an audit of the financial records of each regional institute on at least a biennial basis.

(8) Creating a diversity committee at the home campus and at each regional campus to do the following:

- (A) Review and recommend faculty employment policies concerning diversity issues.
- (B) Review faculty and administration personnel complaints concerning diversity issues.
- (C) Make recommendations to promote and maintain cultural diversity among faculty members.
- (D) Make recommendations to promote recruitment and retention of minority students.

(b) The committee created under subsection (a)(8) shall issue an annual report stating the findings, conclusions, and recommendations of the committee to the state board.

SECTION 6. IC 20-12-64-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 15. (a) The board shall create a diversity committee to do the following:**

- (1) Review and recommend faculty employment policies concerning diversity issues.
- (2) Review faculty and administration personnel complaints concerning diversity issues.
- (3) Make recommendations to promote and maintain cultural diversity among faculty members.
- (4) Make recommendations to promote recruitment and

retention of minority students.

(b) The diversity committee shall issue an annual report stating the findings, conclusions, and recommendations of the committee to the board.

SECTION 7. IC 23-13-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 30. (a) The board of trustees shall create a diversity committee at the home campus and at each regional campus to do the following:**

(1) Review and recommend faculty employment policies concerning diversity issues.

(2) Review faculty and administration personnel complaints concerning diversity issues.

(3) Make recommendations to promote and maintain cultural diversity among faculty members.

(4) Make recommendations to promote recruitment and retention of minority students.

(b) The diversity committee shall issue an annual report stating the findings, conclusions, and recommendations of the committee to the board of trustees.

(Reference is to HB 1256 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 3.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1258, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 7, after "nonstudent" insert "**and nonfaculty**".

(Reference is to HB 1258 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1357, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 7, delete lines 31 through 42.

Page 8, delete lines 1 through 15.

Re-number all SECTIONS consecutively.

(Reference is to HB 1357 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

AUSTIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred House Bill 1424, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 22, delete "A" and insert "**The corporation shall develop procedures and the criteria to be used in the review required by this subsection. A certified technology park shall furnish to the corporation the following information to be used in the course of the review:**

(1) Total employment and payroll levels for all businesses operating within the certified technology park.

(2) The nature and extent of any technology transfer activity occurring within the certified technology park.

(3) The nature and extent of any nontechnology businesses operating within the certified technology park.

(4) The use and outcomes of any state money made available to the certified technology park.

(5) An analysis of the certified technology park's overall contribution to the technology based economy in Indiana.

(d) To the extent allowed under IC 5-14-3, the corporation shall maintain the confidentiality of any information that:

(1) is submitted as part of the review process under subsection (c); and

(2) marked as confidential;

by the certified technology park."

Page 3, delete lines 23 through 35.

(Reference is to HB 1424 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

RESKE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Small Business and Economic Development, to which was referred House Bill 1720, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 1, delete "A" and insert "**Except as provided in subsection (c), a**".

Page 4, line 2, delete "a redevelopment" and insert "**an allocation area, as defined by IC 12-19-1.5-1,**".

Page 4, line 3, delete "district established under IC 36-7-15.1-38".

Page 4, line 5, delete "redevelopment commission" and insert "**governing body**".

Page 4, line 5, delete "redevelopment district." and insert "**allocation area.**".

Page 4, line 40, after "chapter" insert "**for property other than property located in a consolidated city**".

Page 8, line 19, delete "The" and insert "**Subject to the recommendation of the appropriate local U.E.A. (as defined in IC 5-28-15-2), the**".

(Reference is to HB 1720 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

ORENTLICHER, Chair

Report adopted.

With consent of the members, the Speaker returned to bills on third reading.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1811

Representative Pierce called down Engrossed House Bill 1811 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 128: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was

directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Ford, Lubbers, and Simpson.

With consent of the members, the Speaker returned to bills on second reading.

HOUSE BILLS ON SECOND READING

House Bill 1128

Representative Stilwell called down House Bill 1128 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1128-1)

Mr. Speaker: I move that House Bill 1128 be amended to read as follows:

Page 3, line 30, after "body." insert **"The chief administrator for the community corrections program in a consolidated city must have a degree in criminology. The administrator shall obtain the degree by July 1, 2009."**

(Reference is to HB 1128 as reprinted February 7, 2007.)

MURPHY

Motion failed. The bill was ordered engrossed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

House Bill 1157

Representative Cheney called down House Bill 1157 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1157-2)

Mr. Speaker: I move that House Bill 1157 be amended to read as follows:

Page 2, after line 28, begin a new paragraph and insert:

"(f) Not later than thirty (30) days after receiving a certified payroll record from a contractor or subcontractor, the awarding agency shall do the following:

(1) Review the certified payroll record.

(2) Notify the contractor or subcontractor of any noncompliance with the wage scale set for the contract.

(g) If the contractor or subcontractor does not receive notice of a noncompliance under subsection (f)(2) before thirty (30) days after the awarding agency receives a certified payroll record under this section, the record is considered to comply with this section and is exempt from an audit conducted by the awarding agency or the department of labor."

(Reference is to HB 1157 as printed February 7, 2007.)

TORR

Motion failed.

HOUSE MOTION (Amendment 1157-5)

Mr. Speaker: I move that House Bill 1157 be amended to read as follows:

Page 2, after line 28, begin a new paragraph and insert:

"(f) The following information relating to a worker included in a certified payroll record is confidential for purposes of IC 5-14-3:

(1) The worker's name.

(2) The worker's address.

(3) The worker's Social Security number.

(4) All other personal information relating to the worker included in a certified payroll record."

(Reference is to HB 1157 as printed February 7, 2007.)

LEONARD

Upon request of Representatives Leonard and Torr, the

Speaker ordered the roll of the House to be called. Roll Call 129: yeas 46, nays 49. Motion failed.

HOUSE MOTION (Amendment 1157-4)

Mr. Speaker: I move that House Bill 1157 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-13-18-4, AS ADDED BY P.L.160-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) As used in this chapter, "public works contract" refers to:

(1) a public works contract covered by IC 4-13-6;

(2) a public works contract covered by IC 5-16 and entered into by a state agency; or

(3) a state highway contract covered by IC 8-23-9;

means the construction, reconstruction, alteration, or renovation of a public building, facility, or other structure that is paid for, in whole or in part, from public money when the estimated cost of the public works project is one hundred fifty thousand dollars (\$150,000) or more.

(b) The term includes any of the following:

(1) The construction, alteration, or repair of:

(A) a highway, street, alley, bridge, sewer, drain, or other improvement; or

(B) a building, facility, or other structure leased by an entity created by statute under a lease containing an option to purchase.

(2) A project covered by any of the following:

(A) IC 4-13.6.

(B) IC 5-16.

(C) IC 5-23.

(D) IC 8-23-9.

(E) IC 36-1-12."

Page 2, after line 28, begin a new paragraph and insert:

"SECTION 3. IC 5-16-7-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) As used in this section, "drug testing program" means a drug testing program that complies with IC 4-13-18.

(b) When a contractor or subcontractor files the certified payroll information required by section 2 of this chapter, the contractor or subcontractor shall also file a certified statement that each of the contractor's or subcontractor's employees who worked on the public works contract submitted to and passed a drug testing program each week during the period covered by the certified statement."

Renumber all SECTIONS consecutively.

(Reference is to HB 1157 as printed February 7, 2007.)

LEONARD

After discussion, Representative Leonard withdrew the motion.

HOUSE MOTION (Amendment 1157-8)

Mr. Speaker: I move that House Bill 1157 be amended to read as follows:

Page 2, line 16, delete "at least".

Renumber all SECTIONS consecutively.

(Reference is to HB 1157 as printed February 7, 2007.)

BELL

Upon request of Representatives Stilwell and Cheney, the Speaker ordered the roll of the House to be called. Roll Call 130: yeas 93, nays 0. Motion prevailed. The bill was ordered engrossed.

House Bill 1237

Representative Welch called down House Bill 1237 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1237-3)

Mr. Speaker: I move that House Bill 1237 be amended to read as follows:

Page 3, after line 17, begin a new paragraph and insert:

"SECTION 8. IC 9-21-8-56 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 56. (a) An individual may not operate a truck on a public highway (as defined in IC 9-25-2-4) while another individual is in the open bed of the truck.**

(b) Subsection (a) does not apply to an individual operating a truck:

(1) in a parade; or

(2) on a farm in connection with agricultural pursuits that are usual and normal to the farming operation, as set forth in IC 9-29-5-13(b)(2)."

(Reference is to HB 1237 as printed February 9, 2007.)

RUPPEL

Motion prevailed.

HOUSE MOTION
(Amendment 1237-2)

Mr. Speaker: I move that House Bill 1237 be amended to read as follows:

Page 2, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 5. IC 8-14-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4. (a) The auditor of state shall establish a special account to be called the "local road and street account" and shall credit this account monthly with forty-five percent (45%) of the money deposited in the highway, road and street fund.**

(b) The auditor of state shall distribute to units of local government money from this account each month.

(c) The auditor of state shall allocate to each county the money in this account based on the basis of the ratio of each county's passenger car and pickup truck registrations to the total passenger car and pickup truck registrations of the state. For purposes of this allocation, a pickup truck is a truck that is registered under IC 9-18-2-8 as a truck with a declared gross weight of not more than eleven thousand (11,000) pounds. The auditor of state shall further determine the suballocation between the county and the cities within the county as follows:

(1) In counties having a population of more than fifty thousand (50,000), sixty percent (60%) of the money shall be distributed on the basis of the population of the city or town as a percentage of the total population of the county and forty percent (40%) distributed on the basis of the ratio of city and town street mileage to county road mileage.

(2) In counties having a population of fifty thousand (50,000) or less, twenty percent (20%) of the money shall be distributed on the basis of the population of the city or town as a percentage of the total population of the county and eighty percent (80%) distributed on the basis of the ratio of city and town street mileage to county road mileage.

(3) For the purposes of allocating funds as provided in this section, towns which become incorporated as a town A town that incorporates between the effective dates of decennial censuses shall be becomes eligible for allocations under this section upon the effectiveness of a corrected population count for the town under IC 1-1-3.5.

(4) Money allocated under the provisions of this section to counties containing a consolidated city shall be credited or allocated to the department of transportation of the consolidated city.

(d) Each month the auditor of state shall inform the department of the amounts allocated to each unit of local

government from the local road and street account."

Page 3, after line 17, begin a new paragraph and insert:

"SECTION 9. [EFFECTIVE JULY 1, 2007] **(a) The auditor of state, in allocating money in the local road and street account to counties under IC 8-14-2-4, as amended by this act, shall recognize only the number of pickup truck registrations corresponding to the following percentages:**

(1) For the period beginning July 1, 2007, and ending June 30, 2008, thirty-four percent (34%) of the total pickup truck registrations in Indiana and in each county.

(2) For the period beginning July 1, 2008, and ending June 30, 2009, sixty-seven percent (67%) of the total pickup truck registrations in Indiana and in each county.

(3) After June 30, 2009, one hundred percent (100%) of the total pickup truck registrations in Indiana and in each county.

(b) For purposes of this SECTION, the bureau of motor vehicles shall determine the number of pickup truck registrations in Indiana and in each county.

(c) This SECTION expires June 30, 2010."

(Reference is to HB 1237 as printed February 9, 2007.)

RUPPEL

Upon request of Representatives Ruppel and Friend, the Speaker ordered the roll of the House to be called. Roll Call 131: yeas 55, nays 40. Motion prevailed.

HOUSE MOTION
(Amendment 1237-1)

Mr. Speaker: I move that House Bill 1237 be amended to read as follows:

Page 2, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 5. IC 9-13-2-110.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 110.7. "Municipality" has the meaning set forth in IC 36-1-2-11."**

Page 3, after line 17, begin a new paragraph and insert:

"SECTION 9. IC 9-19-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4. (a) The bureau, in cooperation with the Indiana department of transportation, division of traffic safety, shall develop and administer educational programs for the purpose of informing the general public of the benefits that will inure to passengers using safety belts.**

(b) An educational program referenced in subsection (a) may not include a traffic stop for the purpose of determining compliance with this chapter.

SECTION 10. IC 9-19-10-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4.5. A police officer employed by:

(1) the state;

(2) a municipality; or

(3) a county;

may not participate in a program or activity under IC 9-27-2-4(a)(1), a program, service, or activity under IC 9-27-2-4(a)(3), or an activity under IC 9-27-2-4(a)(5) that includes a traffic stop for the purpose of determining compliance with this chapter.

SECTION 11. IC 9-27-2-4, AS AMENDED BY P.L.210-2005, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The office shall do the following to carry out this chapter:

(1) Develop, plan, and conduct programs and activities designed to prevent and reduce traffic accidents and to facilitate the control of traffic on Indiana streets and highways.

(2) Advise, recommend, and consult with state

departments, divisions, boards, commissions, and agencies concerning traffic safety, accident prevention, and traffic facilitation programs and activities and coordinate these programs and activities on an effective statewide basis.

(3) Organize and conduct, in cooperation with state departments and agencies, programs, services, and activities designed to aid political subdivisions in the control of traffic and prevention of traffic accidents.

(4) Develop informational, educational, and promotional material on traffic control and traffic accident prevention, disseminate the material through all possible means of public information, and serve as a clearinghouse for information and publicity on traffic control and accident prevention programs and activities of state departments and agencies. These activities must include materials and information designed to make senior citizens aware of the effect of age on driving ability.

(5) Cooperate with public and private agencies interested in traffic control and traffic accident prevention in the development and conduct of public informational and educational activities designed to promote traffic safety or to support the official traffic safety program of Indiana.

(6) Study and determine the merits of proposals affecting traffic control, traffic safety, or traffic accident prevention activities in Indiana and recommend to the governor and the general assembly the measures that will serve to further control and reduce traffic accidents.

(7) Study proposed revisions and amendments to the motor vehicle laws and all other laws concerning traffic safety and make recommendations relative to those laws to the governor and general assembly.

(8) Develop and conduct a program of effective alcohol and drug countermeasures to protect and conserve life and property on Indiana streets and highways.

(9) Administer the operation lifesaver program referred to in section 12 of this chapter to promote and coordinate public education concerning railroad grade crossing safety.

(b) The office may not conduct:

(1) a program or an activity under subsection (a)(1);

(2) a program, a service, or an activity under subsection (a)(3); or

(3) an activity under subsection (a)(5);

that includes a traffic stop for the purpose of determining compliance with IC 9-19-10."

Renumber all SECTIONS consecutively.

(Reference is to HB 1237 as printed February 9, 2007.)

TORR

Upon request of Representatives Torr and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 132: yeas 74, nays 19. Motion prevailed.

HOUSE MOTION
(Amendment 1237-6)

Mr. Speaker: I move that House Bill 1237 be amended to read as follows:

Page 2, line 34, delete "belts." and insert "belts, **provided the occupant has written documentation of the medical reasons from a physician.**"

Page 3, between lines 8 and 9, begin a new line block indented and insert:

"(8) Is an occupant of a motor vehicle participating in a parade.

(9) Is an occupant of the living quarters area of a recreational vehicle.

(10) Is an occupant of the treatment area of an ambulance (as defined in IC 16-18-2-13).

(11) Is an occupant of the sleeping area of a tractor.

(12) Is an occupant other than the operator of a vehicle described in IC 9-20-11-1(1).

(13) Is an occupant other than the operator of a truck on a construction site.

(14) Is a passenger other than the operator in a cab of a Class A recovery vehicle or a Class B recovery vehicle who is being transported in the cab because the motor vehicle of the passenger is being towed by the recovery vehicle.

(15) Is an occupant other than the operator of a motor vehicle being used by a public utility in an emergency as set forth in IC 9-20-6-5."

(Reference is to HB 1237 as printed February 9, 2007.)

DUNCAN

Motion prevailed.

HOUSE MOTION
(Amendment 1237-12)

Mr. Speaker: I move that House Bill 1237 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-16-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Accessible parking space" refers to a parking space that conforms with the standards of section 4 of this chapter.

(c) "Motor vehicle" has the meaning set forth in IC 9-13-2-105.

(d) "Parking facility" means any facility or combination of facilities for motor vehicle parking which contains parking spaces for the public.

(e) "Person with a physical disability" means a person who has been issued a placard under IC 9-14-5 or a person with a disability registration plate for a motor vehicle by the bureau of motor vehicles under IC 9-18-22.

(f) "Person with children" means a person who has been issued a placard under IC 9-14-6.

(g) "Public agency" means:

(1) the state of Indiana, its departments, agencies, boards, commissions, and institutions, including state educational institutions (as defined under IC 20-12-0.5-1); and

(2) a county, city, town, township, school or conservancy district, other governmental unit or district, or any department, board, or other subdivision of the unit of government.

SECTION 1. IC 5-16-9-1.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.6. ~~Notwithstanding any requirement of this chapter,~~ A person who complies with:

(1) Title III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181); and

(2) the Americans with Disabilities Act Guidelines adopted by the United States Department of Justice;

complies with those provisions of this chapter applying to persons with physical disabilities.

SECTION 2. IC 5-16-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Except as provided in subsection (d), each parking facility that provides parking spaces for self-parking by employees or visitors must have accessible parking spaces reserved according to the following schedule:

TOTAL NUMBER OF PARKING SPACES IN FACILITY	MINIMUM NUMBER OF RESERVED SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6

201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20 plus 1 for each 100 spaces over 1,000

A facility with fifty (50) or fewer parking spaces is not required to reserve accessible parking spaces for vehicles displaying a placard of a person with children issued under IC 9-14-6.

(b) A parking facility may provide accessible parking spaces in a different location from other parking spaces if the location of the accessible spaces results in equivalent or greater access by the shortest accessible route of travel to an accessible entrance of:

- (1) a building, if the parking facility serves a specific building; or
- (2) the parking facility, if the parking facility does not serve a specific building.

(c) This subsection applies to a building with more than one (1) accessible entrance that has parking adjacent to the entrances. Accessible parking spaces for a building described in this subsection must be dispersed and located closest to the accessible entrances.

(d) This subsection applies to a facility that provides medical care or other services for persons with mobility impairments. A facility described in this subsection must provide accessible parking spaces according to the following schedule:

- (1) An outpatient facility or unit: Ten percent (10%) of the total number of parking spaces serving the facility or unit must be accessible parking spaces.
- (2) A facility or unit that specializes in treatment or services for persons with mobility impairments: Twenty percent (20%) of the total number of parking spaces serving the facility or unit must be accessible parking spaces.

(e) The reserved space or spaces under this chapter must be reserved by posting immediately adjacent to and visible from the space or spaces a vertical sign measuring at least forty-eight (48) inches from the base of the sign, located in a manner that will not be obscured by a vehicle parked in the space, and bearing the following:

- (1) The international symbol of accessibility.
- (2) Letters and numbers that have a width to height ratio between 3:5 and 1:1 and a stroke width to height ratio between 1:5 and 1:10.
- (3) Characters and numbers that are sized according to the distance from which the characters and numbers are read, with the minimum height measured by an uppercase "X". Lowercase characters may be used.

(f) The characters and background of a sign required under subsection (e) must be eggshell, matte, or another nonglare finish. Characters and symbols used on a sign must contrast with the background color of the sign.

SECTION 3. IC 5-16-9-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.5. (a) Any person who parks a motor vehicle that does not have displayed a placard of a person with children issued under IC 9-14-6 in a parking space reserved under this chapter commits a Class C infraction.

(b) Any person who knowingly parks in a parking space reserved for a person with children while displaying a placard to which the person is not entitled commits a Class C infraction.

(c) Any person who displays for use in parking in a parking space reserved for a person with children a placard that was not issued under IC 9-14-6 commits a Class C misdemeanor.

(d) A person who, in a parking space reserved for a person with children, parks a vehicle that displays a placard entitling a person to park in a parking space reserved for a person with children commits a Class C infraction if that person is not:

- (1) a pregnant woman; or**
- (2) in the process of transporting at least one (1) child whose birth certificate is attached to the placard.**

(e) Notwithstanding IC 34-28-5-4(c), a civil judgment of not less than fifty dollars (\$50) must be imposed for an infraction committed in violation of this section.

SECTION 4. IC 5-16-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) As used in this section, "owner" means a person in whose name a motor vehicle is registered under:

- (1) IC 9-18;
- (2) the laws of another state; or
- (3) the laws of a foreign country.

(b) As used in this section, "lessee" means a person who has care, custody, or control of a motor vehicle under a written agreement for the rental or lease of the motor vehicle for less than sixty-one (61) days. The term does not include an employee of the owner of the motor vehicle.

(c) An owner or lessee of a motor vehicle commits a Class C infraction if the motor vehicle:

- (1) is located in a parking space in a parking facility that is marked under section 2 of this chapter as a parking space reserved for a person with a physical disability or a person with children; and**
- (2) does not display:**

- (A) an unexpired parking permit for a person with a physical disability issued under IC 9-14-5;
- (B) an unexpired disabled veteran's registration plate issued under IC 9-18-18;
- (C) an unexpired registration plate or decal for a person with a physical disability issued under IC 9-18-22; ~~or~~
- (D) an unexpired parking permit for a person with a physical disability, an unexpired disabled veteran's registration plate, or an unexpired registration plate or decal for a person with a physical disability issued under the laws of another state; **or**

(E) an unexpired placard for a person with children issued under IC 9-14-6.

(d) It is a defense that IC 9-30-11-8 applies to the violation.

(e) It is a defense that the motor vehicle was the subject of an offense described in IC 35-43-4 at the time of the violation of this section.

(f) Notwithstanding IC 34-28-5-4(c), a civil judgment of not less than fifty dollars (\$50) must be imposed for an infraction committed in violation of this section.

SECTION 5. IC 5-16-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) This chapter does not prohibit a county, city, or town from adopting and enforcing an ordinance that regulates standing or parking of motor vehicles in a space reserved for:

- (1) a person with a physical disability under section 2 of this chapter, IC 9-21-1-3, or IC 9-21-18-4; or**
- (2) a person with children.**

(b) An ordinance described in subsection (a) may not conflict with this chapter.

(c) An ordinance described in subsection (a) may not require a person to obtain or display any permit, registration plate, or registration decal to stand or park in a space reserved for a person with a physical disability under section 2 of this chapter, except the following:

- (1) A parking permit for a person with a physical disability issued under IC 9-14-5.
- (2) A disabled veteran's registration plate issued under IC 9-18-18.

(3) A registration plate or decal for a person with a physical disability issued under IC 9-18-22.

(4) A placard for a person with children issued under IC 9-14-6.

(d) An ordinance described in subsection (a) must permit a motor vehicle displaying an unexpired parking permit for a person with a physical disability, an unexpired disabled veteran's registration plate, or an unexpired registration plate or decal for a person with a physical disability issued under the laws of another state to stand or park in a space reserved for a person with a physical disability but only when the vehicle is being used to transport a person with a physical disability."

Page 2, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 11. IC 9-14-6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 6. Parking Placards for Persons With Children

Sec. 1. The bureau shall issue a placard to the following:

(1) A pregnant woman who is certified as pregnant by a physician having an unlimited license to practice medicine.

(2) A person who operates a vehicle that is being used to transport at least one (1) child who is:

(A) less than eight (8) years of age; and

(B) required to be properly fastened and restrained in a child restraint system under IC 9-19-11-2.

Sec. 2. The placard required under section 1 of this chapter must contain the following:

(1) The words "Parking Permit for Persons With Children".

(2) An expiration date.

Sec. 3. A placard issued under section 1(1) of this chapter expires one (1) month after the date on which the woman ceases to be pregnant, as certified by the woman's attending physician.

Sec. 4. A placard issued under section 1(2) of this chapter expires on the date on which the youngest child being transported in the vehicle reaches eight (8) years of age, as evidenced by a copy of the child's birth certificate attached to the placard.

Sec. 5. When issuing a placard under this chapter, the bureau shall provide the individual to whom a placard is issued instructions explaining the proper use of the placard.

Sec. 6. A placard issued under this chapter must be displayed on the dashboard of a motor vehicle that is parked in a parking space reserved for persons with children under IC 5-16-9. If a placard is lost, stolen, damaged, or destroyed, the bureau shall provide a duplicate placard upon the application of the person who was issued the placard.

Sec. 7. The bureau shall adopt rules under IC 4-22-2 to implement this chapter.

Sec. 8. A person who knowingly and falsely represents the person as having the qualifications to obtain a placard issued under this chapter commits a Class C misdemeanor."

Renumber all SECTIONS consecutively.

(Reference is to HB 1237 as printed February 9, 2007.)

STUTZMAN

Motion failed. The bill was ordered engrossed.

House Bill 1322

Representative Crooks called down House Bill 1322 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1381

Representative L. Lawson called down House Bill 1381 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1389

Representative Welch called down House Bill 1389 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

House Bill 1608

Representative VanHaaften called down House Bill 1608 for second reading. The bill was read a second time by title.

**HOUSE MOTION
(Amendment 1608-4)**

Mr. Speaker: I move that House Bill 1608 be amended to read as follows:

Page 3, line 3, delete "collective bargaining" and insert "collectively bargained".

Page 3, line 4, delete "agreement establishes an".

Page 3, line 4, delete "that" and insert "satisfies the requirements listed in section 10 of this chapter".

Page 3, delete lines 5 through 22.

Page 3, line 32, delete "program" and insert "policy".

Page 3, delete lines 34 through 39, begin a new line block indented and insert:

"(1) The contractor's employees must be randomly selected for unannounced testing. All employees must be included in the pool from which names randomly are selected for unannounced drug tests. A contractor must either:

(A) test not less than two percent (2%) of the contractor's employees each month; or

(B) participate in a collectively bargained multi-employer substance abuse testing program in which the number of random drug tests administered each year totals not less than twenty-five percent (25%) of the reported employees in the multi-employer pool."

Page 3, line 40, delete "(3)" and insert "(2)".

Page 4, delete lines 5 through 32, begin a new line block indented and insert:

"(3) The program imposes disciplinary measures on an employee who fails a drug test. The disciplinary measures must include, at a minimum, all of the following:

(A) The employee is subject to suspension or immediate termination from employment.

(B) The employee is not eligible for reinstatement to employment until the employee tests negative on a five (5) drug panel test certified by a medical review officer.

(C) The employee is subject to unscheduled sporadic testing for not less than one (1) year after reinstatement to employment.

(D) The employee successfully completes a rehabilitation program recommended by a substance abuse professional if the employee fails more than one (1) drug test.

(4) After June 30, 2009, a contractor's drug testing policy must contain the additional requirement that a construction employee:

(A) must have successfully passed an initial or pre-employment drug test; and

(B) possess an identification card from the drug testing program that indicates that the employee is available for work;

before being eligible to work for the contractor. For a contractor participating in a collectively bargained substance abuse testing program, this requirement is satisfied if the pre-employment drug test is conducted

as a part of that program."

(Reference is to HB 1608 as printed February 9, 2007.)

VAN HAAFTEN

Motion prevailed.

HOUSE MOTION

(Amendment 1608-1)

Mr. Speaker: I move that House Bill 1608 be amended to read as follows:

Page 1, line 7, delete "2006." and insert "**2007.**".

(Reference is to HB 1608 as printed February 9, 2007.)

TORR

Motion prevailed.

HOUSE MOTION

(Amendment 1608-3)

Mr. Speaker: I move that House Bill 1608 be amended to read as follows:

Page 3, delete lines 10 through 22.

Page 4 delete lines 5 through 42.

Page 5, between lines 4 and 5, begin a new line block indented and insert: **"(2) That an employee of the contractor who fails a drug test shall be immediately suspended from work on the public works project and that the employee is ineligible to return to work on the public works project until the employee tests negative on a (5) drug panel test certified by a medical review officer."**

Page 5, line 5, delete "(2)" and insert **"(3)"**.

(Reference is to 1608 as reprinted February 9, 2007.)

LEONARD

Motion failed. The bill was ordered engrossed.

House Bill 1647

Representative Porter called down House Bill 1647 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1710

Representative Herrell called down House Bill 1710 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 1710-5)

Mr. Speaker: I move that House Bill 1710 be amended to read as follows:

Page 1, line 12, delete "If" and insert **"To the extent applicable to a federally chartered bank, if"**.

Page 1, line 12, delete "bank" and insert **"bank, trust, banc, banco, or bancorp"**.

(Reference is to HB 1710 as printed February 2, 2007.)

BARDON

Motion prevailed.

HOUSE MOTION

(Amendment 1710-2)

Mr. Speaker: I move that House Bill 1710 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and commercial law.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-8.1-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) After a tax warrant becomes a judgment under section 2 of this chapter or a tax warrant is returned uncollected to the department under section 3 of this chapter, the department may take any of the following actions without judicial proceedings:

(1) The department may levy upon the property of the taxpayer that is held by a financial institution by sending a

claim to the financial institution. Upon receipt of a claim under this subdivision, the financial institution shall surrender to the department the taxpayer's property. If the taxpayer's property exceeds the amount owed to the state by the taxpayer, the financial institution shall surrender the taxpayer's property in an amount equal to the amount owed. After receiving the department's notice of levy, the financial institution is required to place a sixty (60) day hold on or restriction on the withdrawal of funds the taxpayer has on deposit or subsequently deposits, in an amount not to exceed the amount owed.

(2) The department may garnish the accrued earnings and wages of a taxpayer by sending a notice to the taxpayer's employer. Upon receipt of a notice under this subdivision, an employer shall garnish the accrued earnings and wages of the taxpayer in an amount equal to the full amount that is subject to garnishment under IC 24-4.5-5. The amount garnished shall be remitted to the department. The employer is entitled to a fee in an amount equal to the fee allowed under IC 24-4.5-5-105(5). However, the fee shall be borne entirely by the taxpayer.

(3) The department may levy upon and sell property and may:

(A) take immediate possession of the property and store it in a secure place; or

(B) leave the property in the custody of the taxpayer; until the day of the sale. The department shall provide notice of the sale in one (1) newspaper, as provided in IC 5-3-1-2. If the property is left in the custody of the taxpayer, the department may require the taxpayer to provide a joint and several delivery bond, in an amount and with a surety acceptable to the department. At any time before the sale, any owner or part owner of the property may redeem the property from the judgment by paying the department the amount of the judgment. The proceeds of the sale shall be applied first to the collection expenses and second to the payment of the delinquent taxes and penalties. Any balance remaining shall be paid to the taxpayer.

(b) A special counsel or collection agency that makes a claim to a financial institution on behalf of the department under subsection (a)(1) or on behalf of a county treasurer under IC 6-1.1-23-10(c)(1) shall submit the following to the financial institution:

(1) Proof of employment or contract with the department under section 4 of this chapter or county treasurer under IC 6-1.1-23-1.5.

(2) Subject to subsection (c), a fee of ten dollars (\$10) for each claim.

(3) A notice of levy issued by the department or county treasurer.

(4) A form approved by the department or county treasurer containing instructions for remitting funds to the special counsel or collection agency making the claim.

(5) A stamped, self-addressed envelope for return of the form submitted under subdivision (4).

(c) A financial institution, special counsel, or collection agency may not assess or pass along a fee under subsection (b)(2) to:

(1) the department;

(2) the county treasurer;

(3) the taxpayer; or

(4) any other individual or unit of government."

Renumber all SECTIONS consecutively.

(Reference is to HB 1710 as printed February 2, 2007.)

BARDON

Motion prevailed. The bill was ordered engrossed.

House Bill 1763

Representative Pierce called down House Bill 1763 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1821

Representative Klinker called down House Bill 1821 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1821-6)

Mr. Speaker: I move that House Bill 1821 be amended to read as follows:

Page 7, line 38, delete "The practice of any occupation or profession for which an".

Page 7, delete lines 39 through 40.

Page 7, line 41, delete "subdivision includes an" and insert "An".

Page 8, between lines 5 and 6, begin a new line double block indented and insert: "**(F) Optometry.**"

Page 8, between lines 5 and 6, begin a new line double block indented and insert: "**(G) Nursing.**"

Page 9, delete lines 41 through 42.

Page 10, delete lines 1 through 6.

(Reference is to HB 1821 as printed February 8, 2007.)

KLINKER

Motion prevailed.

HOUSE MOTION
(Amendment 1821-9)

Mr. Speaker: I move that House Bill 1821 be amended to read as follows:

Page 8, between lines 5 and 6, begin a new line double block indented and insert:

"(F) Psychology."

Page 10, line 26, after "IC 25-22.5" insert ", a **psychologist licensed under IC 25-33,**".

Page 10, between lines 38 and 39, begin a new paragraph and insert:

"(c) An occupational therapist licensed under this article may not perform any of the following:

(1) A spinal adjustment.

(2) A spinal manipulation.

(3) A Grade 5 mobilization.

(4) Any manual or mechanical intervention that:

(A) may have velocity, lever, amplitude, or recoil;

(B) may carry a joint complex beyond the normal physiological range of motion;

(C) is applied without exceeding the boundaries of anatomical integrity of the joint complex or other articulation; and

(D) is intended to result in a cavitation of the joint or a reduction of a subluxation."

(Reference is to HB 1821 as printed February 9, 2007.)

KLINKER

Motion prevailed.

HOUSE MOTION
(Amendment 1821-2)

Mr. Speaker: I move that House Bill 1821 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-5-18-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2007 (RETROACTIVE)]: Sec. 8. (a) The committee shall receive and may, at its discretion, review a complaint filed by a person regarding a rule or practice of an agency.

(b) The committee may review an agency rule, an agency practice, or a failure of an agency to adopt a rule. **Not later than**

December 15 of each year, the committee shall review each rule that was submitted to the publisher under IC 4-22-2-35 after December 14 of the immediately preceding year and before December 15 of the current year. The committee shall consider each filed rule and adopt a motion recommending to the general assembly which rules should be approved by the general assembly. The motion may recommend that the rule be approved:

(1) in the form filed with the publisher; or

(2) as modified by any amendment or correction that the agency is permitted to make to the rule in a proceeding under IC 4-22-2-37.1 or IC 4-22-2-38.

(c) The committee may recommend that a rule be modified, repealed, or adopted.

(d) When appropriate, the committee shall prepare and arrange for the introduction of a bill to clarify the intent of the general assembly when the general assembly enacted a law or to correct the misapplication of a law by an agency.

(e) The committee shall annually prepare and arrange for the introduction of a bill to approve any rules that the committee recommends for approval under subsection (b).

SECTION 2. IC 4-22-2-25, AS AMENDED BY P.L.123-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2007 (RETROACTIVE)]: Sec. 25. (a) An agency has one (1) year from the date that it publishes a notice of intent to adopt a rule in the Indiana Register under section 23 of this chapter to comply with sections 26 through 33 of this chapter and obtain the approval or deemed approval of the governor. If an agency determines that a rule cannot be adopted within one (1) year after the publication of the notice of intent to adopt a rule under section 23 of this chapter, the agency shall, before the two hundred fiftieth day following the publication of the notice of intent to adopt a rule under section 23 of this chapter:

(1) notify the chairperson of the administrative oversight committee in writing of the:

(A) reasons why the rule was not adopted and the expected date the rule will be completed; and

(B) expected date the rule will be approved or deemed approved by the governor or withdrawn under section 41 of this chapter; and

(2) provide an electronic copy of the notice required under this subsection to the publisher.

(b) If a rule is not approved before the later of:

(1) one (1) year after the agency publishes notice of intent to adopt the rule under section 23 of this chapter; or

(2) the expected date contained in a notice concerning the rule that is provided to the administrative rules oversight committee under subsection (a)(2);

a later approval or deemed approval is ineffective, and the rule may become effective only through another rulemaking action initiated under this chapter.

(c) If a rule is not approved by the general assembly in the next regular session after the rule is approved by the governor under section 34 of this chapter, a later approval by the general assembly is ineffective and the rule may become effective only through another rulemaking action initiated under this chapter.

SECTION 3. IC 4-22-2-35, AS AMENDED BY P.L.123-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2007 (RETROACTIVE)]: Sec. 35. (a) When a rule has been approved or deemed approved by the governor within the period allowed by section 25 of this chapter, the agency shall immediately submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter.

(b) The agency shall submit to the publisher the copies of the rule and other documents specified in section 31 of this chapter.

- (c) Subject to section 39 of this chapter, the publisher shall:
- (1) accept the rule for filing; ~~and~~
 - (2) electronically record the date and time the rule is accepted; ~~and~~
 - (3) **notify the members of the administrative rules oversight committee of the filing of the rule in the manner specified by the committee or, in the absence of a committee policy, in the manner specified by the chair of the committee.**

SECTION 4. IC 4-22-2-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2007 (RETROACTIVE)]: Sec. 36. A rule that has been accepted for filing under section 35 of this chapter takes effect on the latest of the following dates:

- (1) The effective date of the statute delegating authority to the agency to adopt the rule.
- (2) The date that is ~~thirty (30) days from the date and time that the rule was accepted for filing under section 35 of this chapter; an act of the general assembly that approves the rule becomes law.~~
- (3) The effective date stated by the agency in the rule.
- (4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule."

Page 17, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 39. [EFFECTIVE MAY 1, 2007 (RETROACTIVE)] **IC 2-5-18-8, IC 4-22-2-25, IC 4-22-2-35, and IC 4-22-2-36, all as amended by this act, apply only to rules that are approved by the governor under IC 4-22-2-34 after May 1, 2007.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1821 as printed February 9, 2007.)

WALORSKI

Representative Pelath rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Walorski's amendment (1821-2) violates House Rule 80. The amendment addresses rules adopted by the agency which was referred to in the bill and is assuredly germane to the bill.

WHETSTONE
WALORSKI

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

The question was, Shall the ruling of the Chair be sustained? Roll Call 133: yeas 48, nays 46. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION (Amendment 1821-8)

Mr. Speaker: I move that House Bill 1821 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-10-11-2, AS AMENDED BY P.L.145-2006, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The board consists of the following ~~fifteen (15) thirty-one (31)~~ members:

- (1) The director of the division of family resources or the director's designee.
- (2) The chairman of the Indiana state commission on aging or the chairman's designee.
- (3) Three (3) citizens at least sixty (60) years of age, nominated by two (2) or more organizations that:

- (A) represent senior citizens; and
- (B) have statewide membership.
- (4) One (1) citizen less than sixty (60) years of age nominated by one (1) or more organizations that:
 - (A) represent individuals with disabilities; and
 - (B) have statewide membership.
- (5) One (1) citizen less than sixty (60) years of age nominated by one (1) or more organizations that:
 - (A) represent individuals with mental illness; and
 - (B) have statewide membership.
- (6) One (1) provider who provides services under IC 12-10-10.
- (7) One (1) licensed physician, nurse, or nurse practitioner who specializes either in the field of gerontology or in the field of disabilities.
- (8) Two (2) home care services advocates or policy specialists nominated by two (2) or more:
 - (A) organizations;
 - (B) associations; or
 - (C) nongovernmental agencies;
 that advocate on behalf of home care consumers, including an organization listed in subdivision (3) that represents senior citizens or persons with disabilities.
- (9) Two (2) members of the senate, who may not be members of the same political party, appointed by the president pro tempore of the senate with the advice of the minority leader of the senate.
- (10) Two (2) members of the house of representatives, who may not be members of the same political party, appointed by the speaker of the house of representatives with the advice of the minority leader of the house of representatives.

(11) After June 30, 2007, the following fourteen (14) members:

- (A) **One (1) licensed physician experienced in home health care.**
- (B) **One (1) licensed physician with certification in hospice and palliative medicine.**
- (C) **One (1) individual engaged in the administration of a nonhospital based home health agency.**
- (D) **One (1) individual engaged in the administration of a hospital based home health agency.**
- (E) **One (1) individual engaged in the administration of:**
 - (i) **a nonhospital based hospice; or**
 - (ii) **a hospice licensed under IC 16-25-3 that provides in-patient care.**
- (F) **One (1) individual engaged in the administration of a hospital based hospice.**
- (G) **One (1) registered nurse who is licensed under IC 25-23 and experienced in home health care.**
- (H) **One (1) registered nurse who is licensed under IC 25-23 with certification in hospice and palliative medicine.**
- (I) **One (1):**
 - (i) **physical therapist licensed under IC 25-27;**
 - (ii) **occupational therapist certified under IC 25-23.5; or**
 - (iii) **speech-language pathologist licensed under IC 25-35.6;****experienced in home health care.**
- (J) **One (1) citizen having knowledge of or experience in hospice care.**
- (K) **One (1) citizen having knowledge of or experience in home health agency care.**
- (L) **One (1) registered pharmacist who is licensed under IC 25-26 with experience in hospice and palliative medicine.**
- (M) **One (1) respiratory care practitioner who is licensed under IC 25-34.5 and experienced in home**

care.

(N) One (1) individual who is a bereavement counselor with experience in hospice care.

(12) After June 30, 2007, the state health commissioner or the state health commissioner's designee.

(13) After June 30, 2007, the secretary of family and social services or the secretary's designee.

The members of the board listed in subdivisions (9) and (10) are nonvoting members.

(b) The members of the board designated by:

(1) subsection (a)(3) through (a)(8); and

(2) subsection (a)(11);

shall be appointed by the governor for terms of two (2) years. In case of a vacancy, the governor shall appoint an individual to serve for the remainder of the unexpired term. **However, the initial members of the board designated by subsection (a)(11) shall be the members of the home health care services and hospice services council appointed by the governor under IC 16-27-0.5-1(c) (before its repeal on July 1, 2007). The term of an initial member of the board designated by subsection (a)(11) expires when the member's term on the home health care services and hospice services council would have expired, if not for the repeal of IC 16-27-0.5-1 (repealed on July 1, 2007). The governor may reappoint a initial member of the board designated by subsection (a)(11) upon the expiration of the member's term, as determined under this subsection.**

(c) The division shall establish notice and selection procedures to notify the public of the board's nomination process described in this chapter. Information must be distributed through:

(1) the area agencies on aging; and

(2) all organizations, associations, and nongovernmental agencies that work with:

(A) the division on home care issues and programs; or

(B) the state department of health on home health care services and hospice services.

(d) Except for the members of the board designated by subsection (a)(11)(C) through (a)(11)(F), a member of the council may not:

(1) have an ownership interest in the operation of; or

(2) serve as a voting member on the governing body of; a home health agency licensed under this article or a hospice licensed under IC 16-25.

SECTION 2. IC 12-10-11-8, AS AMENDED BY P.L.137-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. **(a)** The board shall do the following:

(1) Establish long term goals of the state for the provision of a continuum of care for the elderly and disabled based on the following:

(A) Individual independence, dignity, and privacy.

(B) Long term care services that are:

(i) integrated, accessible, and responsible; and

(ii) available in home and community settings.

(C) Individual choice in planning and managing long term care.

(D) Access to an array of long term care services:

(i) for an individual to receive care that is appropriate for the individual's needs; and

(ii) to enable a case manager to have cost effective alternatives available in the construction of care plans and the delivery of services.

(E) Long term care services that include home care, community based services, assisted living, congregate care, adult foster care, and institutional care.

(F) Maintaining an individual's dignity and self-reliance to protect the fiscal interests of both taxpayers and the state.

(G) Long term care services that are fiscally sound.

(2) Review state policies on community and home care

services.

(3) Recommend the adoption of rules under IC 4-22-2.

(4) Recommend legislative changes affecting community and home care services.

(5) Recommend the coordination of the board's activities with the activities of other boards and state agencies concerned with community and home care services.

(6) Evaluate cost effectiveness, quality, scope, and feasibility of a state administered system of community and home care services.

(7) Evaluate programs for financing services to those in need of a continuum of care.

(8) Evaluate state expenditures for community and home care services, taking into account efficiency, consumer choice, competition, and equal access to providers.

(9) Develop policies that support the participation of families and volunteers in meeting the long term care needs of individuals.

(10) Encourage the development of funding for a continuum of care from private resources, including insurance.

(11) Develop a cost of services basis and a program of cost reimbursement for those persons who can pay all or a part of the cost of the services rendered. The division shall use this cost of services basis and program of cost reimbursement in administering IC 12-10-10. The cost of services basis and program of cost reimbursement must include a client cost share formula that:

(A) imposes no charges for an eligible individual whose income does not exceed one hundred fifty percent (150%) of the federal income poverty level; and

(B) does not impose charges for the total cost of services provided to an individual under the community and home options to institutional care for the elderly and disabled program unless the eligible individual's income exceeds three hundred fifty percent (350%) of the federal income poverty level.

The calculation of income for an eligible individual must include the deduction of the individual's medical expenses and the medical expenses of the individual's spouse and dependent children who reside in the eligible individual's household.

(12) Establish long term goals for the provision of guardianship services for adults.

(13) Coordinate activities and programs with the activities of other boards and state agencies concerning the provision of guardianship services.

(14) Recommend statutory changes affecting the guardianship of indigent adults.

(15) Review a proposed rule concerning home and community based services as required under section 9 of this chapter.

(16) Carry out the duties assigned to the board under IC 16-27-0.5 and IC 16-25-3-2.5."

Delete page 2.

Page 3, delete lines 1 through 13, begin a new paragraph and insert:

"SECTION 4. IC 16-18-2-150 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 150. (a) "Governing body", for purposes of IC 16-22-7, has the meaning set forth in IC 16-22-7-2.

(b) "Governing body", for purposes of IC 16-27-0.5, has the meaning set forth in IC 16-27-0.5-0.5.

(c) (b) "Governing body", for purposes of IC 16-41-22, has the meaning set forth in IC 16-41-22-3.

SECTION 5. IC 16-25-3-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.5. The state department shall administer this chapter with the advice of the home health care services and hospice services council

established by ~~IC 16-27-0.5-1~~. **community and home options to institutional care for the elderly and disabled board established by IC 12-10-11-1.**

SECTION 6. IC 16-27-0.5-0.5, AS ADDED BY P.L.152-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 0.5. As used in this chapter, "governing body" means the board of trustees; governing board; board of directors; or other body responsible for governing a home health agency or a hospice. **"board" refers to the community and home options to institutional care for the elderly and disabled board established by IC 12-10-11-1.**

SECTION 7. IC 16-27-0.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. Subject to the rulemaking authority granted in IC 16-25 and IC 16-27, the ~~council board~~ shall do the following:

(1) Propose the adoption of rules by the state department under IC 4-22-2 governing the following:

(A) Health and sanitation standards necessary to protect the health, safety, security, rights, and welfare of home health care patients and hospice patients.

(B) Qualifications of applicants for licenses issued under IC 16-25 and IC 16-27.

(2) Recommend to other state agencies or governing bodies rules necessary to protect the health, safety, security, rights, and welfare of home health care patients and hospice patients.

(3) Act as an advisory body for the division, state health commissioner, and state department.

SECTION 8. IC 16-27-0.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The ~~council board~~ may recommend interpretive guidelines when necessary to assist a home health agency or hospice in meeting the requirements of a rule.

SECTION 9. IC 16-27-0.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The state department may request the ~~council board~~ to propose a new rule or an amendment to a rule necessary to protect the health, safety, rights, and welfare of the home health care patients and hospice patients. If the ~~council board~~ does not propose a rule within ninety (90) days after the state department's request, the state department may propose the rule.

(b) The executive board shall consider rules proposed by the ~~council board~~ under this section and section 7 of this chapter. The executive board may adopt, modify, remand, or reject specific rules or parts of rules proposed by the ~~council board~~.

(c) To become effective, all rules proposed by the ~~council board~~ under this chapter must be adopted by the executive board in accordance with IC 4-22-2."

Page 17, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 41. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2007]: IC 16-27-0.5-1; IC 16-27-0.5-2; IC 16-27-0.5-3; IC 16-27-0.5-4 ; IC 16-27-0.5-5; IC 16-27-0.5-6."

Renumber all SECTIONS consecutively.

(Reference is to HB 1821 as printed February 9, 2007.)

T. BROWN

Motion failed.

HOUSE MOTION (Amendment 1821-3)

Mr. Speaker: I move that House Bill 1821 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 10-13-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) As used in this chapter, "qualified entity" means a business or an

organization, whether public, private, for-profit, nonprofit, or voluntary, that provides care or care placement services.

(b) The term includes the following:

(1) A business or an organization that licenses or certifies others to provide care or care placement services.

(2) A home health agency licensed under IC 16-27-1.

(3) A personal services agency licensed under IC 16-27-4."

Page 4, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 5. IC 16-27-2-4, AS AMENDED BY P.L.212-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 shall apply, not more than three (3) business days after the date that an employee begins to provide services in a patient's temporary or permanent residence, for a copy of the employee's ~~limited national~~ criminal history **background check** from the Indiana central repository for criminal history information under ~~IC 10-13-3~~. **IC 10-13-3-39.**

(b) **Except as provided in subsection (c),** a home health agency or personal services agency may not employ a person to provide services in a patient's or client's temporary or permanent residence for more than three (3) business days without applying for that person's ~~limited national~~ criminal history **background check** as required by subsection (a).

(c) **Subsection (b) does not apply to a person who is an employee of a home health agency or a personal services agency as of June 30, 2007.**

(d) **A home health agency or personal services agency shall apply for the national criminal history background check required by subsection (a) for each person who is a an employee as of June 30, 2007, by December 1, 2007.**

SECTION 6. IC 16-27-2-5, AS AMENDED BY P.L.212-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Except as provided in subsection (b), a person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 may not employ a person to provide services in a patient's or client's temporary or permanent residence if that person's ~~limited national~~ criminal history **background check** indicates that the person has been convicted of any of the following:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2).

(3) Exploitation of an endangered adult (IC 35-46-1-12).

(4) Failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13).

(5) Theft (IC 35-43-4), if the conviction for theft occurred less than ten (10) years before the person's employment application date.

(b) **Except as provided in subsection (c),** a home health agency or personal services agency may not employ a person to provide services in a patient's or client's temporary or permanent residence for more than twenty-one (21) calendar days without receipt of that person's ~~limited national~~ criminal history **background check** required by section 4 of this chapter, unless ~~either the Indiana central repository for criminal history information under IC 10-13-3 state police department or the Federal Bureau of Investigation under IC 10-13-3-39 is solely~~ responsible for failing to provide the person's ~~limited national~~ criminal history **background check** to the home health agency or personal services agency within the time required under this subsection.

(c) **Subsection (b) does not apply to a person who is an employee of a home health agency or personal services agency as of June 30, 2007."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1821 as printed February 9, 2007.)
KNOLLMAN

Representative Pelath rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. After discussion of the point of order, Representative Pelath withdrew the point of order.

The question than was on the motion of Representative Knollman (1821-3). Upon request of Representatives Knollman and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 134: yeas 69, nays 18. Motion prevailed. The bill was ordered engrossed.

House Joint Resolution 13

Representative Porter called down House Joint Resolution 13 for second reading. The joint resolution was read a second time by title.

HOUSE MOTION (Amendment 13-2)

Mr. Speaker: I move that House Joint Resolution 13 be amended to read as follows:

Page 2, line 26, reset in roman "shall remain a perpetual fund, which may be".

Page 2, line 27, reset in roman "increased, but shall never be diminished; and the income".

Page 2, line 27, after "thereof" insert "**on the Fund**".

Page 2, line 37, delete "principal of and".

Page 3, delete lines 4 through 6.

(Reference is to HJR 13 as printed February 13, 2007.)

TURNER

Motion failed.

HOUSE MOTION (Amendment 13-1)

Mr. Speaker: I move that House Joint Resolution 13 be amended to read as follows:

Page 2, line 30, after "pre-kindergarten" insert ", **to decrease the unfunded liabilities of the Indiana state teachers' retirement fund,**".

Page 2, line 39, delete "." and insert "**and to decrease the unfunded liabilities of the Indiana state teachers' retirement fund.**".

(Reference is to HJR 13 as printed February 13, 2007.)

THOMPSON

Upon request of Representatives Thompson and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 135: yeas 45, nays 48. Motion failed. The joint resolution was ordered engrossed.

House Bill 1100

Representative Kersey called down House Bill 1100 for second reading. The bill was read a second time by title.

HOUSE MOTION

Mr. Speaker: I move that, pursuant to House Rule 84, House Bill 1100 be recommitted to the House Committee on Veterans Affairs and Public Safety.

BELL

Motion failed.

HOUSE MOTION (Amendment 1100-5)

Mr. Speaker: I move that House Bill 1100 be amended to read as follows:

Page 3, between lines 30 and 31, begin a new paragraph and insert:

"(e) The information contained in a community protection plan submitted under this section to the department of homeland security and the Indiana department of

transportation is confidential."

Page 3, line 31, delete "(e)" and insert "(f)".

(Reference is to HB 1100 as printed February 13, 2007.)

KERSEY

Motion prevailed.

HOUSE MOTION (Amendment 1100-4)

Mr. Speaker: I move that House Bill 1100 be amended to read as follows:

Page 4, after line 39, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 2007] (a) The department of homeland security shall adopt rules under IC 4-22-2 to define a format for a risk assessment as required under IC 8-3-23-1, as added by this act.

(b) This SECTION expires on the earlier of the following:

(1) The date rules are adopted under IC 8-3-23-1, as added by this act.

(2) June 30, 2010."

(Reference is to HB 1100 as printed February 13, 2007.)

T. HARRIS

Motion prevailed.

HOUSE MOTION (Amendment 1100-1)

Mr. Speaker: I move that House Bill 1100 be amended to read as follows:

Page 3, line 34, delete "(a) An employee of a railroad who believes that a risk" and insert "**The department of homeland security may work with a volunteering;**

(1) Class I; or

(2) Class II;

railroad as established by the Interstate Commerce Commission to develop a rail safety plan for the state."

Page 3, delete lines 35 through 42.

Page 4, delete lines 1 through 23.

(Reference is to HB 1100 as printed February 13, 2007.)

STUTZMAN

Motion failed.

HOUSE MOTION (Amendment 1100-2)

Mr. Speaker: I move that House Bill 1100 be amended to read as follows:

Page 1, line 5, after "I". insert "**This chapter applies after June 30, 2011.**

Sec. 2."

Page 2, line 21, delete "2." and insert "3."

Page 3, line 5, delete "1(4)" and insert "2(4)".

Page 3, line 34, delete "3." and insert "4."

Page 3, line 35, delete "1" and insert "2".

Page 3, line 36, delete "2" and insert "3".

Page 4, line 37, delete "IC 8-3-23-2," and insert "**IC 8-3-23-3,"**

Page 4, line 38, delete "IC 8-3-23-2," and insert "**IC 8-3-23-3,"**

Page 4, line 39, delete "2008." and insert "**2012."**

(Reference is to HB 1100 as printed February 13, 2007.)

STUTZMAN

Motion failed.

HOUSE MOTION (Amendment 1100-3)

Mr. Speaker: I move that House Bill 1100 be amended to read as follows:

Page 2, line 20, delete "." and insert "**and may be released only to an individual who holds the highest level of security clearance granted by the federal Office of Personnel**

Management."

Page 3, between lines 30 and 31, begin a new paragraph and insert:

"(e) The information contained in a community protection plan submitted under this section to the department of homeland security and the Indiana department of transportation is confidential and may be released only to an individual who holds the highest level of security clearance granted by the federal Office of Personnel Management."

Page 3, line 31, delete "(e)" and insert "(f)".

(Reference is to HB 1100 as printed February 13, 2007.)

DAVIS

The Speaker ordered a division of the House and appointed Representatives Stilwell and Bosma to count the yeas and nays. Yeas 45, nays 47. Motion failed. The bill was ordered engrossed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1008, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-10-8-2.2, AS AMENDED BY P.L.2-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.2. (a) As used in this section, "dependent" means a natural child, stepchild, or adopted child of a public safety employee who:

- (1) is less than eighteen (18) years of age;
- (2) is eighteen (18) years of age or older and physically or mentally disabled (using disability guidelines established by the Social Security Administration); or
- (3) is at least eighteen (18) and less than twenty-three (23) years of age and is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university.

(b) As used in this section, "public safety employee" means a full-time firefighter, police officer, county police officer, or sheriff.

(c) This section applies only to local unit public employers and their public safety employees.

(d) A local unit public employer may provide programs of group health insurance for its active and retired public safety employees through one (1) of the following methods:

- (1) By purchasing policies of group insurance.
- (2) By establishing self-insurance programs.
- (3) By electing to participate in the local unit group of local units that offer the state employee health plan under section 6.6 of this chapter.

(4) By electing to participate in a state employee health plan under section 6.7 of this chapter.

A local unit public employer may provide programs of group insurance other than group health insurance for the local unit public employer's active and retired public safety employees by purchasing policies of group insurance and by establishing self-insurance programs. However, the establishment of a self-insurance program is subject to the approval of the unit's fiscal body.

(e) A local unit public employer may pay a part of the cost of group insurance for its active and retired public safety employees. However, a local unit public employer that provides group life insurance for its active and retired public safety employees shall pay a part of the cost of that insurance.

(f) A local unit public employer may not cancel an insurance

contract under this section during the policy term of the contract.

(g) After June 30, 1989, a local unit public employer that provides a group health insurance program for its active public safety employees shall also provide a group health insurance program to the following persons:

- (1) Retired public safety employees.
- (2) Public safety employees who are receiving disability benefits under IC 36-8-6, IC 36-8-7, IC 36-8-7.5, IC 36-8-8, or IC 36-8-10.
- (3) Surviving spouses and dependents of public safety employees who die while in active service or after retirement.

(h) A retired or disabled public safety employee who is eligible for group health insurance coverage under subsection (g)(1) or (g)(2):

- (1) may elect to have the person's spouse, dependents, or spouse and dependents covered under the group health insurance program at the time the person retires or becomes disabled;
- (2) must file a written request for insurance coverage with the employer within ninety (90) days after the person retires or begins receiving disability benefits; and
- (3) must pay an amount equal to the total of the employer's and the employee's premiums for the group health insurance for an active public safety employee (however, the employer may elect to pay any part of the person's premiums).

(i) Except as provided in IC 36-8-6-9.7(f), IC 36-8-6-10.1(h), IC 36-8-7-12.3(g), IC 36-8-7-12.4(j), IC 36-8-7.5-13.7(h), IC 36-8-7.5-14.1(i), IC 36-8-8-13.9(d), IC 36-8-8-14.1(h), and IC 36-8-10-16.5 for a surviving spouse or dependent of a public safety employee who dies in the line of duty, a surviving spouse or dependent who is eligible for group health insurance under subsection (g)(3):

- (1) may elect to continue coverage under the group health insurance program after the death of the public safety employee;
- (2) must file a written request for insurance coverage with the employer within ninety (90) days after the death of the public safety employee; and
- (3) must pay the amount that the public safety employee would have been required to pay under this section for coverage selected by the surviving spouse or dependent (however, the employer may elect to pay any part of the surviving spouse's or dependents' premiums).

(j) A retired or disabled public safety employee's eligibility for group health insurance under this section ends on the earlier of the following:

- (1) When the public safety employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.
- (2) When the employer terminates the health insurance program for active public safety employees.

(k) A surviving spouse's eligibility for group health insurance under this section ends on the earliest of the following:

- (1) When the surviving spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.
- (2) When the unit providing the insurance terminates the health insurance program for active public safety employees.
- (3) The date of the surviving spouse's remarriage.
- (4) When health insurance becomes available to the surviving spouse through employment.

(l) A dependent's eligibility for group health insurance under this section ends on the earliest of the following:

- (1) When the dependent becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.
- (2) When the unit providing the insurance terminates the health insurance program for active public safety employees.

(3) When the dependent no longer meets the criteria set forth in subsection (a).

(4) When health insurance becomes available to the dependent through employment.

(m) A public safety employee who is on leave without pay is entitled to participate for ninety (90) days in any group health insurance program maintained by the local unit public employer for active public safety employees if the public safety employee pays an amount equal to the total of the employer's and the employee's premiums for the insurance. However, the employer may pay all or part of the employer's premium for the insurance.

(n) A local unit public employer may provide group health insurance for retired public safety employees or their spouses not covered by subsections (g) through (l) and may provide group health insurance that contains provisions more favorable to retired public safety employees and their spouses than required by subsections (g) through (l). A local unit public employer may provide group health insurance to a public safety employee who is on leave without pay for a longer period than required by subsection (m), and may continue to pay all or a part of the employer's premium for the insurance while the employee is on leave without pay.

SECTION 2. IC 5-10-8-2.6, AS AMENDED BY P.L.1-2005, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.6. (a) This section applies only to local unit public employers and their employees. This section does not apply to public safety employees, surviving spouses, and dependents covered by section 2.2 of this chapter.

(b) A public employer may provide programs of group insurance for its employees and retired employees. The public employer may, however, exclude part-time employees and persons who provide services to the unit under contract from any group insurance coverage that the public employer provides to the employer's full-time employees. A public employer may provide programs of group health insurance under this section through one (1) of the following methods:

(1) By purchasing policies of group insurance.

(2) By establishing self-insurance programs.

(3) By electing to participate in the local unit group of local units that offer the state employee health plan under section 6.6 of this chapter.

(4) By electing to participate in a state employee health plan under section 6.7 of this chapter.

A public employer may provide programs of group insurance other than group health insurance under this section by purchasing policies of group insurance and by establishing self-insurance programs. However, the establishment of a self-insurance program is subject to the approval of the unit's fiscal body.

(c) A public employer may pay a part of the cost of group insurance, but shall pay a part of the cost of group life insurance for local employees. A public employer may pay, as supplemental wages, an amount equal to the deductible portion of group health insurance as long as payment of the supplemental wages will not result in the payment of the total cost of the insurance by the public employer.

(d) An insurance contract for local employees under this section may not be canceled by the public employer during the policy term of the contract.

(e) After June 30, 1986, a public employer shall provide a group health insurance program under subsection (g) to each retired employee:

(1) whose retirement date is:

(A) after May 31, 1986, for a retired employee who was a teacher (as defined in IC 20-18-2-22) for a school corporation; or

(B) after June 30, 1986, for a retired employee not covered by clause (A);

(2) who will have reached fifty-five (55) years of age on or

before the employee's retirement date but who will not be eligible on that date for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.;

(3) who will have completed twenty (20) years of creditable employment with a public employer on or before the employee's retirement date, ten (10) years of which must have been completed immediately preceding the retirement date; and

(4) who will have completed at least fifteen (15) years of participation in the retirement plan of which the employee is a member on or before the employee's retirement date.

(f) A group health insurance program required by subsection (e) must be equal in coverage to that offered active employees and must permit the retired employee to participate if the retired employee pays an amount equal to the total of the employer's and the employee's premiums for the group health insurance for an active employee and if the employee, within ninety (90) days after the employee's retirement date files a written request with the employer for insurance coverage. However, the employer may elect to pay any part of the retired employee's premiums.

(g) A retired employee's eligibility to continue insurance under subsection (e) ends when the employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq., or when the employer terminates the health insurance program. A retired employee who is eligible for insurance coverage under subsection (e) may elect to have the employee's spouse covered under the health insurance program at the time the employee retires. If a retired employee's spouse pays the amount the retired employee would have been required to pay for coverage selected by the spouse, the spouse's subsequent eligibility to continue insurance under this section is not affected by the death of the retired employee. The surviving spouse's eligibility ends on the earliest of the following:

(1) When the spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(2) When the employer terminates the health insurance program.

(3) Two (2) years after the date of the employee's death.

(4) The date of the spouse's remarriage.

(h) This subsection does not apply to an employee who is entitled to group insurance coverage under IC 20-28-10-2(b). An employee who is on leave without pay is entitled to participate for ninety (90) days in any group health insurance program maintained by the public employer for active employees if the employee pays an amount equal to the total of the employer's and the employee's premiums for the insurance. However, the employer may pay all or part of the employer's premium for the insurance.

(i) A public employer may provide group health insurance for retired employees or their spouses not covered by subsections (e) through (g) and may provide group health insurance that contains provisions more favorable to retired employees and their spouses than required by subsections (e) through (g). A public employer may provide group health insurance to an employee who is on leave without pay for a longer period than required by subsection (h), and may continue to pay all or a part of the employer's premium for the insurance while the employee is on leave without pay.

SECTION 3. IC 5-10-8-6.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6.7. (a) As used in this section, "state employee health plan" means:**

(1) a self-insurance program established under section 7(b) of this chapter to provide group health coverage; or

(2) a contract with a prepaid health care delivery plan entered into by the state personnel department under section 7(c) of this chapter.

(b) The state personnel department shall allow a local unit

to provide coverage of health care services for employees of the local unit through any state employee health plan available to state employees.

(c) If a local unit provides health coverage for employees or retired employees of the local unit, the local unit may elect to provide the health coverage, and the state personnel department shall allow the local unit to provide the health coverage:

- (1) through a state employee health plan as provided in this section; and
- (2) as described in section 2.2 or 2.6 of this chapter, whichever is applicable to the employees or retired employees of the local unit for whom health coverage is being provided.

(d) A local unit employee who receives coverage of health care services under a state employee health plan under subsection (c) must:

- (1) receive coverage equal to the coverage provided to state employees under the state employee health plan; and
- (2) be allowed to choose the state employee health plan under which the local unit employee will be covered.

(e) The premium rate that applies to a local unit employee who is covered under a state employee health plan under this section must be the same premium rate that applies to a state employee for the same coverage.

SECTION 4. IC 5-10-8-6.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6.8. (a) As used in this section, "small employer" means a private employer that employs at least two (2) but not more than fifty (50) full-time employees.

(b) As used in this section, "state employee health plan" means:

- (1) a self-insurance program established under section 7(b) of this chapter to provide group health coverage; or
- (2) a contract with a prepaid health care delivery plan entered into by the state personnel department under section 7(c) of this chapter.

(c) The state personnel department shall allow a small employer to provide coverage of health care services for employees of the small employer under any state employee health plan available to state employees.

(d) IC 27-8-15 does not apply to coverage provided to employees of a small employer under this section.

(e) A small employer's employee who receives coverage of health care services under a state employee health plan under subsection (c) must:

- (1) receive coverage equal to the coverage provided to state employees under the state employee health plan; and
- (2) be allowed to choose the state employee health plan under which the employee will be covered.

(f) The premium rate that applies to a small employer's employee who is covered under a state employee health plan under this section must be the same premium rate that applies to a state employee for the same coverage.

SECTION 5. IC 6-3.1-31 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 31. Employee Wellness Program Tax Credit

Sec. 1. As used in this chapter, "pass through entity" means:

- (1) a corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);
- (2) a partnership;
- (3) a limited liability company; or
- (4) a limited liability partnership.

Sec. 2. As used in this chapter, "state tax liability" means

a taxpayer's total tax liability that is incurred under:

- (1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);
- (2) IC 6-5.5 (the financial institutions tax); and
- (3) IC 27-1-18-2 (the insurance premiums tax);

as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

Sec. 3. As used in this chapter, "taxpayer" means an individual or entity that has any state tax liability.

Sec. 4. As used in this chapter, "wellness program" means a program that rewards:

- (1) overweight employees for losing weight and all employees for maintaining a healthy weight; or
- (2) employees for not using tobacco.

Sec. 5. A taxpayer is entitled to a credit against the taxpayer's state tax liability for a taxable year in an amount equal to fifty percent (50%) of the costs incurred by the taxpayer during the taxable year for providing a wellness program for the taxpayer's employees during the taxable year.

Sec. 6. If a pass through entity is entitled to a credit under section 5 of this chapter but does not have state tax liability against which the tax credit may be applied, a shareholder, partner, or member of the pass through entity is entitled to a tax credit equal to:

- (1) the tax credit determined for the pass through entity for the taxable year; multiplied by
- (2) the percentage of the pass through entity's distributive income to which the shareholder, partner, or member is entitled.

Sec. 7. (a) If the credit provided by this chapter exceeds the taxpayer's state tax liability for the taxable year for which the credit is first claimed, the excess may be carried forward to succeeding taxable years and used as a credit against the taxpayer's state tax liability during those taxable years. Each time that the credit is carried forward to a succeeding taxable year, the credit is to be reduced by the amount that was used as a credit during the immediately preceding taxable year.

(b) A taxpayer is not entitled to any carryback or refund of any unused credit.

Sec. 8. To receive the credit provided by this chapter, a taxpayer must claim the credit on the taxpayer's state tax return or returns in the manner prescribed by the department. The taxpayer shall submit to the department all information that the department determines is necessary for the calculation of the credit provided by this chapter.

SECTION 6. IC 6-7-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) The following taxes are imposed, and shall be collected and paid as provided in this chapter, upon the sale, exchange, bartering, furnishing, giving away, or otherwise disposing of cigarettes within the state of Indiana:

- (1) On cigarettes weighing not more than three (3) pounds per thousand (1,000), a tax at the rate of ~~two and seven hundred seventy-five thousandths of a cent (\$0.02775)~~ **five and five tenths cents (\$0.055)** per individual cigarette.
- (2) On cigarettes weighing more than three (3) pounds per thousand (1,000), a tax at the rate of ~~three seven and six thousand eight hundred eighty-one ten-thousandths of a cent (\$0.036881)~~ **thirty-one hundredths cents (\$0.0731)** per individual cigarette, except that if any cigarettes weighing more than three (3) pounds per thousand (1,000) shall be more than six and one-half (6 ½) inches in length, they shall be taxable at the rate provided in subdivision (1), counting each two and three-fourths (2 ¾) inches (or fraction thereof) as a separate cigarette.

(b) Upon all cigarette papers, wrappers, or tubes, made or prepared for the purpose of making cigarettes, which are sold,

exchanged, bartered, given away, or otherwise disposed of within the state of Indiana (other than to a manufacturer of cigarettes for use by him in the manufacture of cigarettes), the following taxes are imposed, and shall be collected and paid as provided in this chapter:

- (1) On fifty (50) papers or less, a tax of one-half cent (\$0.005).
- (2) On more than fifty (50) papers but not more than one hundred (100) papers, a tax of one cent (\$0.01).
- (3) On more than one hundred (100) papers, one-half cent (\$0.005) for each fifty (50) papers or fractional part thereof.
- (4) On tubes, one cent (\$0.01) for each fifty (50) tubes or fractional part thereof.

SECTION 7. IC 6-7-1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) Distributors who hold certificates and retailers shall be agents of the state in the collection of the taxes imposed by this chapter and the amount of the tax levied, assessed, and imposed by this chapter on cigarettes sold, exchanged, bartered, furnished, given away, or otherwise disposed of by distributors or to retailers. Distributors who hold certificates shall be agents of the department to affix the required stamps and shall be entitled to purchase the stamps from the department at a discount of ~~one and two-tenths seven tenths~~ percent (~~1.2%~~) (**0.7%**) of the amount of the tax stamps purchased, as compensation for their labor and expense.

(b) The department may permit distributors who hold certificates and who are admitted to do business in Indiana to pay for revenue stamps within thirty (30) days after the date of purchase. However, the privilege is extended upon the express condition that:

- (1) except as provided in subsection (c), a bond or letter of credit satisfactory to the department, in an amount not less than the sales price of the stamps, is filed with the department; and
- (2) proof of payment is made of all local property, state income, and excise taxes for which any such distributor may be liable. The bond or letter of credit, conditioned to secure payment for the stamps, shall be executed by the distributor as principal and by a corporation duly authorized to engage in business as a surety company or financial institution in Indiana.

(c) If a distributor has at least five (5) consecutive years of good credit standing with the state, the distributor shall not be required to post a bond or letter of credit under subsection (b).

SECTION 8. IC 6-7-1-28.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 28.1. The taxes, registration fees, fines, or penalties collected under this chapter shall be deposited in the following manner:

- (1) ~~Six Three and six-tenths eighty-nine hundredths~~ percent (~~6.6%~~) (**3.89%**) of the money shall be deposited in a fund to be known as the cigarette tax fund.
- (2) ~~Ninety-four Fifty-five hundredths~~ percent (~~0.94%~~) (**0.55%**) of the money shall be deposited in a fund to be known as the mental health centers fund.
- (3) ~~Eighty-three Forty-nine and ninety-seven fifty hundredths~~ percent (~~83.97%~~) (**49.50%**) of the money shall be deposited in the state general fund.
- (4) ~~Eight Five and forty-nine hundredths~~ percent (~~8.49%~~) (**5.0%**) of the money shall be deposited into the pension relief fund established in IC 5-10.3-11.
- (5) **Forty-one and six hundredths percent (41.06%) of the money shall be deposited into the health coverage for children fund established by IC 12-17.9-14-1.**

The money in the cigarette tax fund, the mental health centers fund, **the health coverage for children fund**, or the pension relief fund at the end of a fiscal year does not revert to the state general fund. However, if in any fiscal year, the amount allocated

to a fund under subdivision (1) or (2) is less than the amount received in fiscal year 1977, then that fund shall be credited with the difference between the amount allocated and the amount received in fiscal year 1977, and the allocation for the fiscal year to the fund under subdivision (3) shall be reduced by the amount of that difference.

SECTION 9. IC 12-7-2-15.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 15.3. "Application agent", for purposes of IC 12-17.9, has the meaning set forth in IC 12-17.9-1-2.**

SECTION 10. IC 12-7-2-28, AS AMENDED BY P.L.145-2006, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 28. "Child" means the following:

(1) For purposes of IC 12-17.2, an individual who is less than eighteen (18) years of age.

(2) For purposes of IC 12-17.9, the meaning set forth in IC 12-17.9-1-3.

~~(2)~~ **(3)** For purposes of IC 12-26, the meaning set forth in IC 31-9-2-13(d).

SECTION 11. IC 12-7-2-76.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 76.4. "Employer sponsored health coverage" has the meaning set forth in IC 12-17.9-1-4.**

SECTION 12. IC 12-7-2-91 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 91. "Fund" means the following:

(1) For purposes of IC 12-12-1-9, the fund described in IC 12-12-1-9.

(2) For purposes of IC 12-13-8, the meaning set forth in IC 12-13-8-1.

(3) For purposes of IC 12-15-20, the meaning set forth in IC 12-15-20-1.

(4) For purposes of IC 12-17-12, the meaning set forth in IC 12-17-12-4.

(5) For purposes of IC 12-17.6, the meaning set forth in IC 12-17.6-1-3.

(6) For purposes of IC 12-17.9, the meaning set forth in IC 12-17.9-1-5.

~~(6)~~ **(7)** For purposes of IC 12-18-4, the meaning set forth in IC 12-18-4-1.

~~(7)~~ **(8)** For purposes of IC 12-18-5, the meaning set forth in IC 12-18-5-1.

~~(8)~~ **(9)** For purposes of IC 12-19-7, the meaning set forth in IC 12-19-7-2.

~~(9)~~ **(10)** For purposes of IC 12-23-2, the meaning set forth in IC 12-23-2-1.

~~(10)~~ **(11)** For purposes of IC 12-23-18, the meaning set forth in IC 12-23-18-4.

~~(11)~~ **(12)** For purposes of IC 12-24-6, the meaning set forth in IC 12-24-6-1.

~~(12)~~ **(13)** For purposes of IC 12-24-14, the meaning set forth in IC 12-24-14-1.

~~(13)~~ **(14)** For purposes of IC 12-30-7, the meaning set forth in IC 12-30-7-3.

SECTION 13. IC 12-7-2-134 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 134. "Office" means the following:

(1) Except as provided in subdivisions (2) and (3), the office of Medicaid policy and planning established by IC 12-8-6-1.

(2) For purposes of IC 12-10-13, the meaning set forth in IC 12-10-13-4.

(3) For purposes of IC 12-17.6, the meaning set forth in IC 12-17.6-1-4.

(4) For purposes of IC 12-17.9, the meaning set forth in IC 12-17.9-1-6.

SECTION 14. IC 12-7-2-146 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 146. "Program" refers to the following:

- (1) For purposes of IC 12-10-7, the adult guardianship services program established by IC 12-10-7-5.
- (2) For purposes of IC 12-10-10, the meaning set forth in IC 12-10-10-5.
- (3) For purposes of IC 12-17.6, the meaning set forth in IC 12-17.6-1-5.
- (4) For purposes of IC 12-17.9, the meaning set forth in IC 12-17.9-1-7.**

SECTION 15. IC 12-7-2-164 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 164. "Resident" has the following meaning:

- (1) For purposes of IC 12-10-15, the meaning set forth in IC 12-10-15-5.
- (2) For purposes of IC 12-16, except IC 12-16-1, an individual who has actually resided in Indiana for at least ninety (90) days.
- (3) For purposes of IC 12-17.9, the meaning set forth in IC 12-17.9-1-8.**
- ~~(3)~~ **(4)** For purposes of IC 12-20-8, the meaning set forth in IC 12-20-8-1.
- ~~(4)~~ **(5)** For purposes of IC 12-24-5, the meaning set forth in IC 12-24-5-1.

SECTION 16. IC 12-7-2-196.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 196.7. "Usual and customary or reasonable charge", for purposes of IC 12-17.9, has the meaning set forth in IC 12-17.9-1-9.

SECTION 17. IC 12-15-2-15.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15.8. **An individual who is less than nineteen (19) years of age and who is eligible for Medicaid under section 14 of this chapter is eligible to receive Medicaid until the earlier of the following:**

- (1) The end of a period of twelve (12) consecutive months following a determination of the individual's eligibility for Medicaid.**
- (2) The individual becomes nineteen (19) years of age.**

SECTION 18. IC 12-15-12-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) For a managed care program or demonstration project established or authorized by the office, or established or authorized by another entity or agency working in conjunction with or under agreement with the office, the office must provide for payment to providers in the managed care program that the office finds is reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated providers in order to:

- (1) provide care and services in conformity with applicable state and federal laws, regulations, and quality and safety standards; and
- (2) ensure that individuals eligible for medical assistance under the managed care program or demonstration project have reasonable access (taking into account geographic location and reasonable travel time) to the services provided by the managed care program.

(b) In addition to the requirements under subsection (a), the office shall establish payments to a physician who:

- (1) is licensed under IC 25-22.5;**
- (2) is a primary care provider; and**
- (3) provides physician services under a managed care program or demonstration project established or authorized by the office;**

that represent a one hundred percent (100%) increase of the Medicaid reimbursement rates used January 1, 2007.

SECTION 19. IC 12-15-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Except as

provided in IC 12-15-14 and IC 12-15-15, payments to Medicaid providers must be:

- (1) consistent with efficiency, economy, and quality of care; and
- (2) sufficient to enlist enough providers so that care and services are available under Medicaid, at least to the extent that such care and services are available to the general population in the geographic area.
- (b) If federal law or regulations specify reimbursement criteria, payment shall be made in compliance with those criteria.
- (c) In addition to the requirements under subsection (a), the office shall establish payments to a physician who:**

- (1) is licensed under IC 25-22.5;**
- (2) is a primary care provider; and**
- (3) provides physician services under a fee for service program or the Medicaid primary care case management program;**

that represent a one hundred percent (100%) increase of the Medicaid reimbursement rates used January 1, 2007.

SECTION 20. IC 12-17.6-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) To the greatest extent possible, the office shall use the same:

- (1) eligibility determination;
- (2) enrollment;
- (3) provider networks; and
- (4) claims payment systems;

as are used by the Medicaid managed care program for children.

(b) The office shall establish payments to a physician who:

- (1) is licensed under IC 25-22.5;**
- (2) is a primary care provider; and**
- (3) provides physician services under the program;**

that are equal to payments under the Medicaid program under IC 12-15.

SECTION 21. IC 12-17.6-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) To be eligible to enroll in the program, a child must meet the following requirements:

- (1) The child is less than nineteen (19) years of age.
- (2) The child is a member of a family with an annual income of:
 - (A) more than one hundred fifty percent (150%); and
 - (B) not more than ~~two~~ **three** hundred percent ~~(200%)~~; **(300%)**;

of the federal income poverty level.

- (3) The child is a resident of Indiana.
- (4) The child meets all eligibility requirements under Title XXI of the federal Social Security Act.
- (5) The child's family agrees to pay any cost sharing amounts required by the office.

(b) The office may adjust eligibility requirements based on available program resources under rules adopted under IC 4-22-2.

SECTION 22. IC 12-17.6-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) Subject to subsection (b), a child who is eligible for the program shall receive services from the program until the earlier of the following:

- ~~(1) The child becomes financially ineligible; end of a period of twelve (12) consecutive months following the determination of the child's eligibility for the program.~~
- ~~(2) The child becomes nineteen (19) years of age.~~

(b) Subsection (a) applies only if the child and the child's family comply with enrollment requirements.

SECTION 23. IC 12-17.9 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

ARTICLE 17.9. HEALTH COVERAGE FOR CHILDREN AND ADULTS

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Application agent" means an organization or individual, including a licensed health care provider, a school, a youth service agency, an employer, a labor union, a local chamber of commerce, a community organization, or another organization, that is approved by the office to assist in enrolling children in the program.

Sec. 3. "Child" means an individual who is less than nineteen (19) years of age.

Sec. 4. "Employer sponsored health coverage" means coverage that is available through an employer.

Sec. 5. "Fund" refers to the health coverage for children and adults fund established by IC 12-17.9-14-1.

Sec. 6. "Office" refers to the office of the children's health insurance program established by IC 12-17.6-2-1.

Sec. 7. "Program" refers to the health coverage for children program created by IC 12-17.9-2-1.

Sec. 8. "Resident" means an individual who is:

- (1) in Indiana for a purpose other than a temporary or transitory purpose during the taxable year; or
- (2) domiciled in Indiana, but is absent from Indiana for a temporary or transitory purpose during the taxable year.

Sec. 9. "Usual and customary or reasonable charge" means a charge for health care services consistent with the average charge for similar health care services furnished by similar health care providers in a particular geographic area.

Chapter 2. Health Coverage for Children Program

Sec. 1. The health coverage for children program is created.

Sec. 2. The office shall administer the program.

Sec. 3. The office has the same powers and authority to administer the program as the powers and duties available to the office under IC 12-17.6.

Sec. 4. The office shall coordinate the program with existing children's health programs operated by state agencies.

Chapter 3. Eligibility

Sec. 1. To be eligible for the program, an individual must be a child:

- (1) who is a resident;
- (2) who is ineligible for coverage under the:
 - (A) children's health insurance program under IC 12-17.6; or
 - (B) Medicaid program under IC 12-15; and
- (3) to whom one (1) of the following applies:
 - (A) The child has been without health coverage for a period of at least six (6) months.
 - (B) The child previously was covered by affordable dependent health coverage through a parent's employment and is no longer covered due to the parent's loss of employment.
 - (C) The child is a newborn for whom affordable private health coverage or employer sponsored health coverage is not available.
 - (D) The child, less than six (6) months before applying for coverage under the program, lost coverage under the children's health insurance program under IC 12-17.6 or the Medicaid program under IC 12-15.

Sec. 2. (a) An administrator licensed under IC 27-1-25, an insurer that holds a certificate of authority under IC 27 to issue or deliver a policy of accident and sickness insurance (as defined in IC 27-8-5-1), and a health maintenance organization that holds a certificate of authority under IC 27-13 shall provide health coverage data match information to the office for the use of the office in determining an individual's eligibility for the program.

(b) Personal information contained in the data provided

to the office under subsection (a) is confidential and may not be disclosed or used for any other purpose.

(c) The office, in collaboration with the department of insurance, shall adopt rules under IC 4-22-2:

- (1) to govern the exchange of information under this section; and
- (2) that are consistent with laws relating to the confidentiality and privacy of personal information, including the federal Health Insurance Portability and Accountability Act.

Sec. 3. The office shall:

- (1) monitor the availability and retention of employer sponsored health coverage; and
- (2) modify a period specified in section 1(3) of this chapter as necessary to promote retention of private health coverage or employer sponsored health coverage and timely access to health care services. However, the period described in section 1(3)(A) of this chapter may not be less than six (6) months.

Sec. 4. The office may consider the affordability of dependent health coverage in making a determination concerning whether employer sponsored health coverage is available upon reemployment of a child's parent described in section 1(3)(B) of this chapter.

Sec. 5. A child who is eligible for the program under this chapter remains eligible for twelve (12) months if the child:

- (1) remains a resident;
- (2) is less than nineteen (19) years of age; and
- (3) is not excluded under section 6 of this chapter.

Sec. 6. (a) A child is not eligible for coverage under the program if:

- (1) the premium required under IC 12-17.9-8 has not been timely paid; or
- (2) the child is an inpatient in a public institution or an institution for mental illness.

(b) If a premium described in subsection (a)(1) is not paid:

- (1) the liability of the program is limited to benefits received under the program for the period for which premiums have been paid;
- (2) the child is ineligible for reenrollment in the program for at least three (3) months;
- (3) reenrollment in the program must be completed before the next covered medical visit; and
- (4) the first month's premium after reenrollment must be paid before the next covered medical visit.

Chapter 4. Enrollment in Program

Sec. 1. The office shall develop procedures to allow application agents to assist in enrolling children in the program or other children's health programs.

Sec. 2. At the office's discretion, technical assistance payments may be made for approved applications facilitated by an application agent.

Chapter 5. Program Outreach and Marketing

Sec. 1. The office may provide grants to application agents and other community based organizations to educate the public about the availability of the program.

Sec. 2. The office shall adopt rules under IC 4-22-2 regarding performance standards and outcome measures expected of organizations that are awarded grants under this chapter, including penalties for nonperformance of contract standards.

Chapter 6. Health Coverage for Children

Sec. 1. The office shall purchase or provide for eligible children health coverage, except for nonemergency transportation, that is identical to the coverage provided for children under the children's health insurance program under IC 12-17.6.

Sec. 2. If cost effective, the office may, as an alternative to the coverage required under section 1 of this chapter, offer subsidies toward the cost of private health coverage or

employer sponsored health coverage.

Sec. 3. The office may offer to a child who would be eligible for the program, but does not meet at least one (1) of the requirements of IC 12-17.9-3-1(3), the following:

- (1) Partial coverage if the child is covered under a private, high deductible health coverage plan.
- (2) A limited package of benefits if the child is covered under private health coverage or employer sponsored health coverage that does not provide dental, vision, or other particular benefits.

Sec. 4. (a) Subject to subsection (b), the office has sole discretion to determine the:

- (1) content and availability of;
- (2) terms of eligibility for; and
- (3) efficacy and cost effectiveness of providing;

benefits described in sections 2 and 3 of this chapter.

(b) In making the determination under subsection (a), the office shall consider the need to promote retention of private health coverage and employer sponsored health coverage.

Sec. 5. The office shall ensure that reimbursement under the program to a physician who is licensed under IC 25-22.5 and is a primary care provider is not less than the reimbursement rate on January 1, 2007, under the Medicaid program under IC 12-15 plus one hundred percent (100%).

Sec. 6. The parent or other individual who is responsible for a child who participates in the program shall make an annual contribution to the health incentives account established under IC 12-17.9-14-7 of not more than two percent (2%) of the individual's annual income, according to a contribution schedule adopted by the office in rules under IC 4-22-2.

Chapter 7. Health Coverage for Adults Plan

Sec. 1. The office shall establish a plan through which the office purchases or provides health coverage to individuals who:

- (1) are residents;
- (2) are at least nineteen (19) years of age; and
- (2) do not have coverage for health care services.

Sec. 2. The office shall design the plan established under section 1 of this chapter to make health coverage available as follows:

- (1) To an individual described in section 1 of this chapter who has a family income equal to not more than one hundred percent (100%) of the federal income poverty level, health coverage with no premium or cost sharing amounts to be paid by the individual.
- (2) To an individual described in section 1 of this chapter who has a family income equal to more than one hundred percent (100%) but not more than three hundred percent (300%) of the federal income poverty level, health coverage with premium and cost sharing amounts to be paid by the individual according to a sliding scale based on family income and established by the office in rules adopted under IC 4-22-2.
- (3) To an individual described in section 1 of this chapter who has a family income equal to more than three hundred percent (300%) of the federal income poverty level, health coverage with all premium and cost sharing amounts to be paid by the individual.

Sec. 3. The health coverage made available under this chapter shall include benefits determined by the office.

Sec. 4. If cost effective, the office may provide subsidies toward the cost of private health coverage or employer sponsored health coverage.

Sec. 5. The office shall ensure that reimbursement under the plan to a physician who is licensed under IC 25-22.5 and is a primary care provider is not less than the reimbursement rate on January 1, 2007, under the Medicaid program under IC 12-15 plus one hundred percent (100%).

Sec. 6. An individual who participates in coverage under

section 2(2) or 2(3) of this chapter shall make an annual contribution to the health incentives account established under IC 12-17.9-14-7 of not more than two percent (2%) of the individual's annual income, according to a contribution schedule adopted by the office in rules under IC 4-22-2.

Chapter 8. Cost Sharing

Sec. 1. (a) The office shall adopt rules under IC 4-22-2 to establish cost sharing requirements, including:

- (1) copayments and coinsurance for health care services (other than well baby or well child health care services and age appropriate immunizations required by law); and
- (2) monthly premiums for coverage under the program;

for children receiving coverage described in IC 12-17.9-6-1.

(b) Cost sharing requirements established under subsection (a) must be determined under a sliding scale based on family income.

(c) The office may periodically modify the cost sharing requirements established under this section.

Sec. 2. Children and adults who are enrolled in private health coverage or employer sponsored health coverage for which a subsidy is provided as described in IC 12-17.9-6-2 or IC 12-17.9-7-4 are subject to the cost sharing provisions stated in the private health coverage or employer sponsored health coverage plan.

Sec. 3. Notwithstanding any other law, rates paid by the office for coverage under the program or under the plan established under IC 12-17.9-7-1 may not be considered in determining a usual and customary or reasonable charge.

Chapter 9. Study

Sec. 1. The office shall conduct a study that does the following:

- (1) Establishes estimates of the following that are calculated using data compiled from particular regions of Indiana:

- (A) Number of children who have health coverage.
- (B) Number of children who do not have health coverage.
- (C) Number of children who are eligible for Medicaid under IC 12-15 or the children's health insurance program under IC 12-17.6.
- (D) Number of children who are enrolled in Medicaid under IC 12-15 or the children's health insurance program under IC 12-17.6.
- (E) Number of children who have access to employer sponsored health coverage.
- (F) Number of children who are enrolled in employer sponsored health coverage.

- (2) Surveys families:

- (A) whose children have access to employer sponsored health coverage; and
- (B) who decline the coverage described in clause (A); concerning the reason for declining the coverage.
- (3) Ascertains, for the population of children accessing employer sponsored health coverage or who have access to the coverage, the:
 - (A) comprehensiveness of coverage available;
 - (B) cost sharing associated with the coverage; and
 - (C) amount of cost sharing currently required of employees.

- (4) Measures health outcomes or other benefits for children using the program.

- (5) Analyzes the effects of enrollment in the program on use of health care services by children after enrollment compared to use of health care services before enrollment.

Sec. 2. The study described in section 1 of this chapter must be conducted annually and must compare the data for each year with the data for the immediately preceding year.

Sec. 3. The office shall submit the results of the study

conducted under this chapter to the governor and, in an electronic format under IC 5-14-6, to the legislative council as follows:

- (1) Preliminary results, not later than July 1, 2009.
- (2) Final results, not later than July 1, 2011.

Chapter 10. Consultation With Interested Parties

Sec. 1. The office shall present details regarding implementation of the program to the select joint commission on Medicaid oversight established by IC 2-5-26-3.

Sec. 2. The select joint commission on Medicaid oversight serves as the forum for health care providers, advocates, consumers, and other interested parties to advise the office with respect to the program.

Chapter 11. Federal Financial Participation

Sec. 1. The office, in cooperation with the office of Medicaid policy and planning established by IC 12-8-6-1, shall request necessary state plan amendments or waivers of federal requirements to allow receipt of federal funds to implement the program.

Sec. 2. The failure of a responsible federal agency to approve a state plan amendment or waiver requested under section 1 of this chapter does not prevent the implementation of this article.

Chapter 12. Rulemaking

Sec. 1. (a) The office shall adopt under IC 4-22-2 rules necessary to implement this article, including rules:

- (1) regarding annual eligibility renewals;
- (2) providing for reenrollment, grace periods, notice requirements, and hearing procedures related to a determination of ineligibility under IC 12-17.9-3-6(a)(1) or IC 12-17.9-3-6(b); and
- (3) used to determine availability and affordability of private health coverage or employer sponsored health coverage, including consideration of:
 - (A) the percentage of income needed to purchase child or family health coverage;
 - (B) the availability of employer subsidies; and
 - (C) other relevant factors.

(b) The office may adopt emergency rules under IC 4-22-2-37.1 to implement this article.

Chapter 13. Subrogation

Sec. 1. The program is subrogated to all claims, demands, and causes of action for injuries to an individual covered under the program for all amounts paid by the program from the time of injury of the individual to the date of recovery on the claim, demand, or cause of action.

Chapter 14. Health Coverage for Children and Adults Fund

Sec. 1. The health coverage for children and adults fund is established to provide funding for:

- (1) the health coverage for children program created by IC 12-17.9-2-1;
- (2) a health coverage for adults plan established under IC 12-17.9-7-1; and
- (3) the annual deposit to the health incentives account under section 7(c)(2) of this chapter.

The fund shall be administered by the office.

Sec. 2. The fund consists of the following:

- (1) Money deposited in the fund under IC 6-7-1-28.1.
- (2) Donations to the fund.
- (3) Contributions to the health incentives account as described in section 7(d) of this chapter.
- (4) Appropriations made by the general assembly.

Sec. 3. The expenses of administering the fund shall be paid from money in the fund.

Sec. 4. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. (Interest that accrues from these investments shall be deposited in the fund.)

Sec. 5. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 6. There is annually appropriated to the office the money in the fund for the use of the office in carrying out the purposes described in section 1 of this chapter.

Sec. 7. (a) The health incentives account is established within the fund to provide funding only for the payment of the following for individuals who participate in the program established by IC 12-17.9-2-1 or the plan established under IC 12-17.9-7-1:

- (1) Copayments.
- (2) Cost sharing requirements.
- (3) Wellness programs.
- (4) Other preventive measures as determined by the office.

(b) The account shall be administered by the office.

(c) The account consists of the following:

- (1) Annual contributions to the account as described in IC 12-17.9-6-6 and IC 12-17.9-7-6.
- (2) An amount that is:

- (A) annually deposited in the account from the fund; and
- (B) equal to one hundred percent (100%) of the amount of the contributions to the account during the previous year.

(d) The expenses of administering the account shall be paid from money in the account.

(e) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. (Interest that accrues from these investments shall be deposited in the account.)

(f) Money in the account at the end of a state fiscal year does not revert to the state general fund.

(g) There is annually appropriated to the office the money in the account for the use of the office in carrying out the purposes described in subsection (a).

SECTION 24. IC 16-47-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The department, with the approval of the budget agency, shall establish, implement, and maintain an aggregate prescription drug purchasing program through which terms are negotiated related to the purchase of prescription drugs by:

- (1) an entity described in section 5(a) ~~or 5(b)~~ of this chapter; or
- (2) an individual who is covered under a health benefit plan that includes a prescription drug benefit.

(b) The budget agency may contract with a pharmacy benefit manager or other person to conduct the negotiations of the program established under subsection (a).

(c) The terms and conditions of the program are subject to the approval of the budget agency.

SECTION 25. IC 16-47-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) The following shall participate in the program:

- (1) The department, for a health benefit plan:
 - (A) described in section 2(1) ~~or 2(2) or 2(3)~~ of this chapter; and
 - (B) that provides coverage for prescription drugs.
- (2) A state educational institution, for a health benefit plan:
 - (A) described in ~~section 2(4)~~ **section 2(3)** of this chapter; and
 - (B) that provides coverage for prescription drugs.

~~unless the budget agency determines that the state educational institution's participation in the program would not result in an overall financial benefit to the state educational institution.~~

~~(b) The following may participate in the program:~~

- ~~(1)~~ **(3)** A state agency other than the department that:
 - (A) purchases prescription drugs; or

(B) arranges for the payment of the cost of prescription drugs.

~~(2)~~ (4) A local unit (as defined in IC 5-10-8-1).

~~(3)~~ (5) The Indiana comprehensive health insurance association established under IC 27-8-10.

~~(c)~~ (b) The state Medicaid program may not participate in the program under this chapter.

SECTION 26. IC 20-26-5-4, AS AMENDED BY P.L.168-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. In carrying out the school purposes of a school corporation, the governing body acting on the school corporation's behalf has the following specific powers:

(1) In the name of the school corporation, to sue and be sued and to enter into contracts in matters permitted by applicable law.

(2) To take charge of, manage, and conduct the educational affairs of the school corporation and to establish, locate, and provide the necessary schools, school libraries, other libraries where permitted by law, other buildings, facilities, property, and equipment.

(3) To appropriate from the school corporation's general fund an amount, not to exceed the greater of three thousand dollars (\$3,000) per budget year or one dollar (\$1) per pupil, not to exceed twelve thousand five hundred dollars (\$12,500), based on the school corporation's previous year's ADM, to promote the best interests of the school corporation through:

(A) the purchase of meals, decorations, memorabilia, or awards;

(B) provision for expenses incurred in interviewing job applicants; or

(C) developing relations with other governmental units.

(4) To:

(A) Acquire, construct, erect, maintain, hold, and contract for construction, erection, or maintenance of real estate, real estate improvements, or an interest in real estate or real estate improvements, as the governing body considers necessary for school purposes, including buildings, parts of buildings, additions to buildings, rooms, gymnasiums, auditoriums, playgrounds, playing and athletic fields, facilities for physical training, buildings for administrative, office, warehouse, repair activities, or housing school owned buses, landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer, water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or purchase money contracts providing for a retention of a security interest by the seller until payment is made or by notes where the contract, security retention, or note is permitted by applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without option to purchase, or by lease under IC 20-47-2, IC 20-47-3, or IC 20-47-5.

(B) Repair, remodel, remove, or demolish, or to contract for the repair, remodeling, removal, or demolition of the real estate, real estate improvements, or interest in the real estate or real estate improvements, as the governing body considers necessary for school purposes.

(C) Provide for conservation measures through utility efficiency programs or under a guaranteed savings contract as described in IC 36-1-12.5.

(5) To acquire personal property or an interest in personal property as the governing body considers necessary for school purposes, including buses, motor vehicles, equipment, apparatus, appliances, books, furniture, and supplies, either by cash purchase or under conditional sales

or purchase money contracts providing for a security interest by the seller until payment is made or by notes where the contract, security, retention, or note is permitted by applicable law, by gift, by devise, by loan, or by lease with or without option to purchase and to repair, remodel, remove, relocate, and demolish the personal property. All purchases and contracts specified under the powers authorized under subdivision (4) and this subdivision are subject solely to applicable law relating to purchases and contracting by municipal corporations in general and to the supervisory control of state agencies as provided in section 6 of this chapter.

(6) To sell or exchange real or personal property or interest in real or personal property that, in the opinion of the governing body, is not necessary for school purposes, in accordance with IC 20-26-7, to demolish or otherwise dispose of the property if, in the opinion of the governing body, the property is not necessary for school purposes and is worthless, and to pay the expenses for the demolition or disposition.

(7) To lease any school property for a rental that the governing body considers reasonable or to permit the free use of school property for:

(A) civic or public purposes; or

(B) the operation of a school age child care program for children who are at least five (5) years of age and less than fifteen (15) years of age that operates before or after the school day, or both, and during periods when school is not in session;

if the property is not needed for school purposes. Under this subdivision, the governing body may enter into a long term lease with a nonprofit corporation, community service organization, or other governmental entity, if the corporation, organization, or other governmental entity will use the property to be leased for civic or public purposes or for a school age child care program. However, if payment for the property subject to a long term lease is made from money in the school corporation's debt service fund, all proceeds from the long term lease must be deposited in the school corporation's debt service fund so long as payment for the property has not been made. The governing body may, at the governing body's option, use the procedure specified in IC 36-1-11-10 in leasing property under this subdivision.

(8) To:

(A) Employ, contract for, and discharge superintendents, supervisors, principals, teachers, librarians, athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-28-5), business managers, superintendents of buildings and grounds, janitors, engineers, architects, physicians, dentists, nurses, accountants, teacher aides performing noninstructional duties, educational and other professional consultants, data processing and computer service for school purposes, including the making of schedules, the keeping and analyzing of grades and other student data, the keeping and preparing of warrants, payroll, and similar data where approved by the state board of accounts as provided below, and other personnel or services as the governing body considers necessary for school purposes.

(B) Fix and pay the salaries and compensation of persons and services described in this subdivision.

(C) Classify persons or services described in this subdivision and to adopt schedules of salaries or compensation.

(D) Determine the number of the persons or the amount of the services employed or contracted for as provided

in this subdivision.

(E) Determine the nature and extent of the duties of the persons described in this subdivision.

The compensation, terms of employment, and discharge of teachers are, however, subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers are subject to and governed by laws relating to employment, contracting, compensation, and discharge of bus drivers. The forms and procedures relating to the use of computer and data processing equipment in handling the financial affairs of the school corporation must be submitted to the state board of accounts for approval so that the services are used by the school corporation when the governing body determines that it is in the best interest of the school corporation while at the same time providing reasonable accountability for the funds expended.

(9) Notwithstanding the appropriation limitation in subdivision (3), when the governing body by resolution considers a trip by an employee of the school corporation or by a member of the governing body to be in the interest of the school corporation, including attending meetings, conferences, or examining equipment, buildings, and installation in other areas, to permit the employee to be absent in connection with the trip without any loss in pay and to reimburse the employee or the member the employee's or member's reasonable lodging and meal expenses and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

(10) To transport children to and from school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the children and without regard to the distance the children live from the school. The transportation must be otherwise in accordance with applicable law.

(11) To provide a lunch program for a part or all of the students attending the schools of the school corporation, including the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate the lunch program, and the purchase of material and supplies for the lunch program, charging students for the operational costs of the lunch program, fixing the price per meal or per food item. To operate the lunch program as an extracurricular activity, subject to the supervision of the governing body. To participate in a surplus commodity or lunch aid program.

(12) To purchase textbooks, to furnish textbooks without cost or to rent textbooks to students, to participate in a textbook aid program, all in accordance with applicable law.

(13) To accept students transferred from other school corporations and to transfer students to other school corporations in accordance with applicable law.

(14) To make budgets, to appropriate funds, and to disburse the money of the school corporation in accordance with applicable law. To borrow money against current tax collections and otherwise to borrow money, in accordance with IC 20-48-1.

(15) To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school corporation or the school corporation's employees in connection with motor vehicles or property and for additional coverage to the extent permitted and in accordance with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a program of self-insurance protecting the school corporation and members of the governing body, employees, contractors, or

agents of the school corporation from liability, risk, accident, or loss related to school property, school contract, school or school related activity, including the purchase of insurance or the establishment and maintenance of a self-insurance program protecting persons described in this subdivision against false imprisonment, false arrest, libel, or slander for acts committed in the course of the persons' employment, protecting the school corporation for fire and extended coverage and other casualty risks to the extent of replacement cost, loss of use, and other insurable risks relating to property owned, leased, or held by the school corporation. To:

(A) participate in a state employee health plan under IC 5-10-8-6.6;

(B) purchase insurance; or

(C) establish and maintain a program of self-insurance; or

(D) participate in a state employee health plan under IC 5-10-8-6.7;

to benefit school corporation employees, including accident, sickness, health, or dental coverage, provided that a plan of self-insurance must include an aggregate stop-loss provision.

(16) To make all applications, to enter into all contracts, and to sign all documents necessary for the receipt of aid, money, or property from the state, the federal government, or from any other source.

(17) To defend a member of the governing body or any employee of the school corporation in any suit arising out of the performance of the member's or employee's duties for or employment with, the school corporation, if the governing body by resolution determined that the action was taken in good faith. To save any member or employee harmless from any liability, cost, or damage in connection with the performance, including the payment of legal fees, except where the liability, cost, or damage is predicated on or arises out of the bad faith of the member or employee, or is a claim or judgment based on the member's or employee's malfeasance in office or employment.

(18) To prepare, make, enforce, amend, or repeal rules, regulations, and procedures:

(A) for the government and management of the schools, property, facilities, and activities of the school corporation, the school corporation's agents, employees, and pupils and for the operation of the governing body; and

(B) that may be designated by an appropriate title such as "policy handbook", "bylaws", or "rules and regulations".

(19) To ratify and approve any action taken by a member of the governing body, an officer of the governing body, or an employee of the school corporation after the action is taken, if the action could have been approved in advance, and in connection with the action to pay the expense or compensation permitted under IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 or any other law.

(20) To exercise any other power and make any expenditure in carrying out the governing body's general powers and purposes provided in this chapter or in carrying out the powers delineated in this section which is reasonable from a business or educational standpoint in carrying out school purposes of the school corporation, including the acquisition of property or the employment or contracting for services, even though the power or expenditure is not specifically set out in this chapter. The specific powers set out in this section do not limit the general grant of powers provided in this chapter except where a limitation is set out in IC 20-26-1 through

IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 by specific language or by reference to other law.

SECTION 27. IC 27-8-5-2, AS AMENDED BY P.L.125-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) No individual policy of accident and sickness insurance shall be delivered or issued for delivery to any person in this state unless it complies with each of the following:

- (1) The entire money and other considerations for the policy are expressed in the policy.
- (2) The time at which the insurance takes effect and terminates is expressed in the policy.
- (3) The policy purports to insure only one (1) person, except that a policy ~~may~~ **must** insure, originally or by subsequent amendment, upon the application of any member of a family who shall be deemed the policyholder and who is at least eighteen (18) years of age, any two (2) or more eligible members of that family, including husband, wife, dependent children, or any children ~~under a specified age, which shall not exceed nineteen (19) who are less than twenty-four (24) years of age,~~ and any other person dependent upon the policyholder.
- (4) The style, arrangement, and overall appearance of the policy give no undue prominence to any portion of the text, and unless every printed portion of the text of the policy and of any endorsements or attached papers is plainly printed in lightface type of a style in general use, the size of which shall be uniform and not less than ten point with a lower-case unspaced alphabet length not less than one hundred and twenty point (the "text" shall include all printed matter except the name and address of the insurer, name or title of the policy, the brief description if any, and captions and subcaptions).
- (5) The exceptions and reductions of indemnity are set forth in the policy and, except those which are set forth in section 3 of this chapter, are printed, at the insurer's option, either included with the benefit provision to which they apply, or under an appropriate caption such as "EXCEPTIONS", or "EXCEPTIONS AND REDUCTIONS", provided that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies.
- (6) Each such form of the policy, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page of the policy.
- (7) The policy contains no provision purporting to make any portion of the charter, rules, constitution, or bylaws of the insurer a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of or reference to a statement of rates or classification of risks, or short-rate table filed with the commissioner.
- (8) If an individual accident and sickness insurance policy or hospital service plan contract or medical service plan contract provides that hospital or medical expense coverage of a dependent child terminates upon attainment of the limiting age for dependent children specified in such policy or contract, the policy or contract must also provide that attainment of such limiting age does not operate to terminate the hospital and medical coverage of such child while the child is and continues to be both:
 - (A) incapable of self-sustaining employment by reason of mental retardation or mental or physical disability; and
 - (B) chiefly dependent upon the policyholder for support and maintenance.

Proof of such incapacity and dependency must be furnished to the insurer by the policyholder within thirty-one (31)

days of the child's attainment of the limiting age. The insurer may require at reasonable intervals during the two (2) years following the child's attainment of the limiting age subsequent proof of the child's disability and dependency. After such two (2) year period, the insurer may require subsequent proof not more than once each year. The foregoing provision shall not require an insurer to insure a dependent who is a mentally retarded or mentally or physically disabled child where such dependent does not satisfy the conditions of the policy provisions as may be stated in the policy or contract required for coverage thereunder to take effect. In any such case the terms of the policy or contract shall apply with regard to the coverage or exclusion from coverage of such dependent. This subsection applies only to policies or contracts delivered or issued for delivery in this state more than one hundred twenty (120) days after August 18, 1969.

(b) If any policy is issued by an insurer domiciled in this state for delivery to a person residing in another state, and if the official having responsibility for the administration of the insurance laws of such other state shall have advised the commissioner that any such policy is not subject to approval or disapproval by such official, the commissioner may by ruling require that such policy meet the standards set forth in subsection (a) and in section 3 of this chapter.

(c) An insurer may issue a policy described in this section in electronic or paper form. However, the insurer shall:

- (1) inform the insured that the insured may request the policy in paper form; and
- (2) issue the policy in paper form upon the request of the insured.

SECTION 28. IC 27-8-5-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 28. A policy of accident and sickness insurance may not be issued, delivered, amended, or renewed, unless the policy provides for coverage of a child of the policyholder or certificate holder, upon request of the policyholder or certificate holder, until the date that the child becomes twenty-four (24) years of age.**

SECTION 29. IC 27-13-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) A contract referred to in section 1 of this chapter must clearly state the following:

- (1) The name and address of the health maintenance organization.
- (2) Eligibility requirements.
- (3) Benefits and services within the service area.
- (4) Emergency care benefits and services.
- (5) Any out-of-area benefits and services.
- (6) Copayments, deductibles, and other out-of-pocket costs.
- (7) Limitations and exclusions.
- (8) Enrollee termination provisions.
- (9) Any enrollee reinstatement provisions.
- (10) Claims procedures.
- (11) Enrollee grievance procedures.
- (12) Continuation of coverage provisions.
- (13) Conversion provisions.
- (14) Extension of benefit provisions.
- (15) Coordination of benefit provisions.
- (16) Any subrogation provisions.
- (17) A description of the service area.
- (18) The entire contract provisions.
- (19) The term of the coverage provided by the contract.
- (20) Any right of cancellation of the group or individual contract holder.
- (21) Right of renewal provisions.
- (22) Provisions regarding reinstatement of a group or an individual contract holder.
- (23) Grace period provisions.

(24) A provision on conformity with state law.

(25) A provision or provisions that comply with the:

(A) guaranteed renewability; and

(B) group portability;

requirements of the federal Health Insurance Portability and Accountability Act of 1996 (26 U.S.C. 9801(c)(1)).

(26) That the contract provides, upon request of the subscriber, coverage for a child of the subscriber until the date the child becomes twenty-four (24) years of age.

(b) For purposes of subsection (a), an evidence of coverage which is filed with a contract may be considered part of the contract.

SECTION 30. [EFFECTIVE JULY 1, 2007] (a) As used in this SECTION, "task force" refers to the healthy Indiana task force established by subsection (b).

(b) The healthy Indiana task force is established to:

(1) study and provide guidance to the state concerning expanding coverage for health care services for all children in Indiana;

(2) develop methods to increase availability of affordable coverage for health care services for all Indiana residents; and

(3) make recommendations to the legislative council.

(c) The task force:

(1) shall operate under the policies governing study committees adopted by the legislative council; and

(2) may request funding from the legislative council to hire consultants.

(d) The affirmative votes of a majority of the voting members appointed to the task force are required for the task force to take action on any measure, including final reports.

(e) The task force consists of the following voting members:

(1) Eight (8) members appointed by the speaker of the house of representatives, three (3) of whom are appointed based on the recommendation of the minority leader of the house of representatives and none of whom are legislators.

(2) Eight (8) members appointed by the president pro tempore of the senate, three (3) of whom are appointed based on the recommendation of the minority leader of the senate and none of whom are legislators.

(f) In making appointments under subsection (e), the speaker of the house of representatives and the president pro tempore of the senate shall each appoint one (1) member representing each of the following:

(1) Hospitals.

(2) Insurance companies.

(3) Primary care providers.

(4) Health professionals who are not primary care providers.

(5) Minority health concern experts.

(6) Business.

(7) Organized labor.

(8) Consumers.

(g) The chairperson of the legislative council shall appoint the chairperson of the task force.

(h) The task force shall report findings and make recommendations in a final report to the legislative council in an electronic format under IC 5-14-6 before November 1, 2008.

(i) The task force expires November 1, 2008, unless the legislative council extends the work of the task force until November 1, 2009.

(j) If the legislative council extends the work of the task force until November 1, 2009, the task force shall submit additional findings and recommendations in a final report before November 1, 2009.

(k) This SECTION expires January 1, 2010.

SECTION 31. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "corporation" refers to the health and hospital corporation of Marion County.

(b) As used in this SECTION, "office" refers to the office of Medicaid policy and planning established by IC 12-8-6-1.

(c) As used in this SECTION, "program" refers to the health care management program established under subsection (d).

(d) Before June 1, 2007, the office shall establish a demonstration project for a health care management program to allow the office to do the following:

(1) Require a certain percentage of Medicaid recipients who reside in Marion County to receive Medicaid services provided by the corporation, including any clinic operated by the corporation. The percentage of recipients must be large enough to obtain meaningful data to guide the establishment and implementation of the program under subdivision (2).

(2) Require the corporation to establish and implement a program of health care management applying to all Medicaid recipients in Indiana and modeled on the United States Department of Veterans Affairs Quality Enhancement Research Initiative.

(3) Include in the program payment incentives for:

(A) health care providers; and

(B) administrators;

of the corporation to reward the achievement of objectives established for the program.

(e) The office and the corporation shall study the impact of implementing the program under subsection (d)(2), including the impact the program has on the:

(1) quality; and

(2) cost;

of health care provided to Medicaid recipients in Indiana.

(f) The office shall consult with the Regenstrief Institute for Health Care in developing, implementing, and studying the program.

(g) The office shall apply to the United States Department of Health and Human Services for any amendment to the state Medicaid plan or demonstration waiver that is needed to implement this SECTION. The corporation shall assist the office in requesting the amendment or demonstration waiver and, if the amendment or waiver is approved, establishing and implementing the amendment or waiver.

(h) The office may not implement the amendment or waiver until the office files an affidavit with the governor attesting that the amendment or waiver applied for under this SECTION is in effect. The office shall file the affidavit under this subsection not more than five (5) days after the office is notified that the amendment or waiver is approved.

(i) If the office receives approval for the amendment or waiver under this SECTION from the United States Department of Health and Human Services and the governor receives the affidavit filed under subsection (h), the office shall implement the amendment or waiver not more than sixty (60) days after the governor receives the affidavit.

(j) The office may adopt rules under IC 4-22-2 to implement this SECTION.

(k) The office shall, before July 1 of each year, report to the legislative council in an electronic format under IC 5-14-6 concerning the demonstration project developed and implemented under this SECTION.

(l) This SECTION expires January 1, 2013.

SECTION 32. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "corporation" refers to the health and hospital corporation of Marion County.

(b) As used in this SECTION, "insurer" includes the following:

(1) An insurer (as defined in IC 27-8-11-1).

(2) An administrator licensed under IC 27-1-25.

(3) A health maintenance organization (as defined in IC 27-13-1-19).

(4) A person that pays or administers claims on behalf of an insurer or a health maintenance organization.

(c) As used in this SECTION, "office" refers to the office of Medicaid policy and planning established by IC 12-8-6-1.

(d) As used in this SECTION, "small employer" has the meaning set forth in IC 27-8-15-14.

(e) Before June 1, 2007, the office shall develop, with the corporation, a pilot project through which small employers that are unable to afford to offer health care coverage for employees of the small employers may obtain access to affordable health care coverage for the employees.

(f) The office shall apply to the United States Department of Health and Human Services for any applicable demonstration waiver to implement this SECTION. The corporation shall assist the office in requesting a demonstration waiver and, if the waiver is approved, establishing and implementing the waiver.

(g) The office may not implement the waiver until the office files an affidavit with the governor attesting that the waiver applied for under this SECTION is in effect. The office shall file the affidavit under this subsection not more than five (5) days after the office is notified that the waiver is approved.

(h) If the office receives approval for the waiver under this SECTION from the United States Department of Health and Human Services and the governor receives the affidavit filed under subsection (g), the office shall implement the waiver not more than sixty (60) days after the governor receives the affidavit.

(i) The office may adopt rules under IC 4-22-2 to implement this SECTION.

(j) If the pilot project results in the availability of health care coverage to small employer groups through the pilot project at a premium rate that is at least twenty percent (20%) less than a comparable health benefit plan available to small employer groups in Indiana, an insurer may not enter into or enforce an agreement with the corporation that contains a provision that:

(1) prohibits, or grants the insurer an option to prohibit, the corporation from contracting with another insurer to accept lower payment for health care services than the payment specified in the agreement;

(2) requires, or grants the insurer an option to require, the corporation to accept a lower payment from the insurer if the corporation agrees with another insurer to accept lower payment for health care services;

(3) requires, or grants the insurer an option to require, termination or renegotiation of the agreement if the corporation agrees with another insurer to accept lower payment for health care services; or

(4) requires the corporation to disclose the corporation's reimbursement rates under contracts with other insurers.

(k) The office shall report to the legislative council in an electronic format under IC 5-14-6 concerning the development and implementation of a pilot project under this SECTION before December 1, 2007.

(l) This SECTION expires December 31, 2007.

SECTION 33. [EFFECTIVE JULY 1, 2007] The state personnel department shall implement the requirements of IC 5-10-8-6.7 and IC 5-10-8-6.8, both as added by this act, not later than July 1, 2008.

SECTION 34. [EFFECTIVE JULY 1, 2007] IC 6-3.1-31, as added by this act, applies to taxable years beginning after December 31, 2007.

SECTION 35. [EFFECTIVE JULY 1, 2007] Notwithstanding IC 6-7-1-14, revenue stamps paid for before July 1, 2007, and in the possession of a distributor may be used after June 30, 2007, only if the full amount of the tax imposed by IC 6-7-1-12, as effective after June 30, 2007, and as amended by this act, is remitted to the department of state revenue under the procedures prescribed by the department.

SECTION 36. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "office" refers to the office of Medicaid policy and planning established by IC 12-8-6-1.

(b) The office shall apply to the United States Department of Health and Human Services for any amendment to the state Medicaid plan or demonstration waiver that is needed to implement IC 12-17.6-3-2, as amended by this act.

(c) The office may not implement the amendment or waiver until the office files an affidavit with the governor attesting that the amendment or waiver applied for under this SECTION is in effect. The office shall file the affidavit under this subsection not more than five (5) days after the office is notified that the amendment or waiver is approved.

(d) If the office receives approval for the amendment or waiver under this SECTION from the United States Department of Health and Human Services and the governor receives the affidavit filed under subsection (c), the office shall implement the amendment or waiver not more than sixty (60) days after the governor receives the affidavit.

(e) The office may adopt rules under IC 4-22-2 to implement this SECTION.

SECTION 37. [EFFECTIVE JULY 1, 2007] (a) IC 27-8-5-2, as amended by this act, and IC 27-8-5-28, as added by this act, apply to a policy of accident and sickness insurance that is issued, delivered, amended, or renewed after June 30, 2007.

(b) IC 27-13-7-3, as amended by this act, applies to a health maintenance organization contract that is entered into, delivered, amended, or renewed after June 30, 2007.

SECTION 38. An emergency is declared for this act.

(Reference is to HB 1008 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1065, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 0.

BISCHOFF, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1085, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 18, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1171, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 17, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1175, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 1, after "work to" insert ":".

Page 2, line 1, delete "exercise the employee's"

Page 2, delete line 2.

Page 2, line 4, delete "chapter; and" and insert "**chapter, in order to exercise the rights of a victim;**".

Page 2, line 5, delete "IC 35-40-11-1; and" and insert "**IC 35-40-11-1, in order to exercise the employee's rights as a victim to be present and to be heard at court proceedings;**".

Page 2, between lines 5 and 6, begin a new line double block indented and insert:

"(C) file a petition for an order for protection under IC 34-26-5-2; or

(D) attend a hearing on a petition upon notification from a court under IC 34-26-5-10(a); and".

(Reference is to HB 1175 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

CHENEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1193, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 23, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1197, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 5.

Page 1, line 8, delete "[EFFECTIVE JULY 1, 2007]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 1, delete lines 11 through 17.

Page 2, delete lines 1 through 4.

Page 2, line 7, delete "[EFFECTIVE JULY 1, 2007]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 2, line 7, after "A" insert "**new**".

Page 2, line 7, after "operation" insert "**, including a CAFO,**".

Page 2, line 9, delete "two (2) miles" and insert "**one (1) mile**".

Page 2, line 11, delete "nonpublic school." and insert "**child care center licensed under IC 12-17.2-4.**".

Page 2, between lines 12 and 13, begin a new line double block indented and insert:

"(C) A health facility licensed under IC 16-28."

Page 2, line 15, delete "[EFFECTIVE JULY 1, 2007]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 3, delete lines 22 through 30, begin a new paragraph and insert:

"SECTION 4. IC 13-18-10-6 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. A person who violates this chapter is subject to the penalties imposed by the following:

(1) IC 13-30-4.

(2) IC 13-30-5.

(3) IC 13-30-6.

(4) IC 13-30-8.

(5) Section 7 of this chapter.

SECTION 5. IC 13-18-10-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The department shall establish civil penalty matrices for the following categories:

(1) First time violations.

(2) Repeat violations.

(3) Intentional violators.

(b) The civil penalty matrices established in this section must include the following factors to determine each penalty:

(1) The magnitude of the violation.

(2) The gravity of the effect of the violation.

(3) The preventability of the violation.

(4) The actions taken to prevent or correct the violation.

(c) The range of the penalties for each category of the civil penalty matrix is as follows:

(1) First time violations, one hundred dollars (\$100) to twenty-five thousand dollars (\$25,000) for each day of violation.

(2) Repeat violations, five hundred dollars (\$500) to fifty thousand dollars (\$50,000) for each day of violation.

(3) Intentional violators, ten thousand dollars (\$10,000) to one hundred thousand dollars (\$100,000) for each day of violation.

SECTION 6. IC 13-18-10-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The department shall inspect each confined feeding operation, including CAFOs, at least one (1) time each year.

SECTION 7. IC 13-18-10-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) Except as provided in subsection (b), each confined feeding operation shall pay an annual inspection fee of five hundred dollars (\$500).

(b) Each confined feeding operation that is a CAFO shall pay an annual inspection fee of seven hundred fifty dollars (\$750).

(c) The fee collected under this section shall be deposited in the confined feeding inspection fund established under section 10 of this chapter.

SECTION 8. IC 13-18-10-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) The confined feeding operation inspection fund is established to permit the department to inspect confined feeding operations, including CAFOs, to determine compliance with this title.

(b) The department shall administer the fund. Money in the fund is annually appropriated to the department for purposes of this chapter.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a fiscal year does not revert to the state general fund.

SECTION 9. IC 15-3-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. The state chemist ~~may~~ shall adopt rules under IC 4-22-2 relating to the use of fertilizer material and the distribution and storage of bulk commercial fertilizers to implement this chapter, including rules

that set forth standards for the storage of bulk fertilizers for the purpose of protecting the waters of the state."

Page 3, line 31, delete "SECTION 7. IC 13-18-10-2.7" and insert "SECTION 10. IC 15-3-3-18".

Page 3, line 33, delete "2.7. (a) The board" insert "**18. (a) The state chemist**".

Page 3, line 34, delete "department operated".

Page 3, line 34, delete "certification" and insert "**educational**".

Page 3, line 35, after "manure" insert "**haulers and**".

Page 3, line 36, after "operation" insert "**(as defined by IC 13-11-2-40), including concentrated animal feeding operations (as defined by IC 13-11-2-38.3)**".

Page 3, delete lines 37 through 42, begin a new paragraph and insert:

"(b) The program established under subsection (a) must include the following topics concerning manure hauling and application:

(1) Manure testing.

(2) Soil testing.

(3) Transportation.

(4) Manure application and handling.

(5) Any other topics determined by the state chemist.

SECTION 11. [EFFECTIVE JULY 1, 2007] **(a) Before November 1, 2007, the state chemist shall submit a report concerning the status of the manure handling program under IC 15-3-3-18, as added by this act, to the general assembly in an electronic format under IC 5-14-6.**

(b) This SECTION expires July 1, 2008."

Page 4, delete lines 1 through 12.

Renumber all SECTIONS consecutively.

(Reference is to HB 1197 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 5.

PFLUM, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1231, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 32-21-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. **(a)** For a conveyance, a mortgage, or an instrument of writing to be recorded, it must be:

(1) acknowledged by the grantor; or

(2) proved before a:

(A) judge;

(B) clerk of a court of record;

(C) county auditor;

(D) county recorder;

(E) notary public;

(F) mayor of a city in Indiana or any other state;

(G) commissioner appointed in a state other than Indiana by the governor of Indiana;

(H) minister, charge d'affaires, or consul of the United States in any foreign country;

(I) clerk of the city county council for a consolidated city, city clerk for a second class city, or clerk-treasurer for a third class city;

(J) clerk-treasurer for a town; or

(K) person authorized under IC 2-3-4-1.

(b) In addition to the requirements under subsection (a), a conveyance may not be recorded after June 30, 2007, unless

a statement is attached to the conveyance that lists the street address (excluding a post office box address) of the person to whom the property is conveyed.

SECTION 2. IC 32-21-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) This section applies to a conveyance or other instrument entitled by law to be recorded.

(b) The recorder of the county in which the land included in a conveyance or other instrument is situated shall record the deed or other instrument together with:

(1) the requisite certificate of acknowledgment or proof endorsed on the deed or other instrument or annexed to the deed or other instrument; and

(2) in the case of a conveyance recorded after June 30, 2007, the statement required by section 3(b) of this chapter.

(c) Unless a certificate of acknowledgment is recorded with a deed, the record of the conveyance or other instrument or a transcript may not be read or received in evidence."

Delete page 2.

Page 3, delete lines 1 through 32.

Page 3, line 37, after "premises" insert ":

(A)".

Page 3, line 38, after "person;" insert "**or**

(B) being purchased by the person under a contract and leased to another person;".

Renumber all SECTIONS consecutively.

(Reference is to HB 1231 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1269, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, after line 18, begin a new paragraph and insert:

"(c) The failure to comply with subsection (a) or (b) does not constitute fault under IC 34-51-2 and does not limit the liability of an insurer.

(d) Except as provided in subsection (e), evidence of the failure to comply with subsection (a) or (b) may not be admitted in a civil action to mitigate damages.

(e) Evidence of a failure to comply with subsection (a) or (b) may be admitted in a civil action as to mitigation of damages in a product liability action involving:

(1) a windshield wiper system;

(2) head lamps; or

(3) other illumination devices.

(f) The defendant in an action described in subsection (e) has the burden of proving:

(1) noncompliance with subsection (a) or (b);

(2) that compliance with subsection (a) or (b) would have reduced injuries; and

(3) the extent that compliance with subsection (a) or (b) would have reduced injuries.

SECTION 12. IC 9-21-7-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. **(a) Except as provided in subsection (b), a person who violates this chapter commits a Class C infraction.**

(b) A person who violates section 2(a) of this chapter commits a Class D infraction.

(c) The bureau may not assess points under the point system for a violation of section 2(a) of this chapter.

(d) A violation of section 2(a) of this chapter may not be included in a determination of habitual violator status under

IC 9-30-10-4."

(Reference is to HB 1269 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

AUSTIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1299, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, reset in roman lines 4 through 5.
Page 1, line 6, reset in roman "(B)".
Page 1, line 6, after "age." insert **"an individual born before April 1, 1943."**
Page 1, line 7 reset in roman "(2)".
Page 1, line 7, delete "(1)".
Page 1, line 8 reset in roman "(3)".
Page 1, line 8, delete "(2)".
Page 1, line 9 reset in roman "(4)".
Page 1, line 9, delete "(3)".
Page 1, line 11 reset in roman "(5)".
Page 1, line 11, delete "(4)".
Page 1, line 15 reset in roman "(6)".
Page 1, line 15, delete "(5)".
Page 2, line 2 reset in roman "(7)".
Page 2, line 2, delete "(6)".
Page 2, line 3, delete "(2)".
Page 2, line 3, after "(4)," delete "or".
Page 2, line 3, delete "(5)." and insert "(5)".
Page 2, line 3, reset in roman "or (6)".
Page 2, line 4 reset in roman "(8)".
Page 2, line 4, delete "(7)".
Page 4, line 16, delete "zero" and insert **"three"**.
Page 4, line 16, delete "\$0)." and insert **"(\$3)." "**.
Page 4, line 18, delete "sixty (60)" and insert **"sixty-four (64)"**.
Page 4, line 18, delete "age." and insert **"age and born after March 31, 1943."**

Page 4, between lines 21 and 22, begin a new line block indented and insert:

"(26) A resident senior "fish for life" license, seventeen dollars (\$17). This license is subject to the following:

(A) An applicant must be at least sixty-four (64) years of age and must have been born after March 31, 1943.

(B) The license applies each year for the remainder of the license holder's life.

(C) The license is in lieu of the resident senior yearly license to fish and all other yearly licenses, stamps, or permits to fish for a specific species or by a specific means."

(Reference is to HB 1299 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

BISCHOFF, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1306, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete line 17.

Page 2, delete line 1.

Page 2, line 2, delete "(7)" and insert **"(6)"**.

Page 2, line 4, delete "(8)" and insert **"(7)"**.

Page 2, line 5, delete "(9)" and insert **"(8)"**.

Page 2, line 7, delete "(10)" and insert **"(9)"**.

Page 2, line 9, delete "(11)" and insert **"(10)"**.

Page 2, line 13, delete "(10)." and insert **"(9)." "**.

Page 2, line 14, delete "(13)" and insert **"(11)"**.

Page 2, line 23, after "IC 31-36-2;" insert **"or"**.

Page 2, line 28, delete "even" and insert **"including"**.

Page 4, between lines 22 and 23, begin a new paragraph and insert:

"(c) A law enforcement agency that determines after a diligent investigation that a missing person is either voluntarily missing or not missing may stop the investigation.

(d) A law enforcement agency stopping an investigation under subsection (c) must document the investigative steps and the results of the investigation that led to the conclusion that the person reported missing is either voluntarily missing or not missing."

Page 5, line 7, delete "shall" and insert **"may"**.

Page 6, line 1, after "every" insert **"appropriate"**.

Page 6, delete lines 15 through 18.

Page 6, line 19, delete "(3)" and insert **"(2)"**.

Page 6, delete lines 36 through 42.

Page 7, delete lines 1 through 3.

Page 7, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 4. IC 35-44-2-2, AS AMENDED BY P.L.140-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) As used in this section, "consumer product" has the meaning set forth in IC 35-45-8-1.

(b) As used in this section, "misconduct" means a violation of a departmental rule or procedure of a law enforcement agency.

(c) A person who reports, by telephone, telegraph, mail, or other written or oral communication, that:

(1) the person or another person has placed or intends to place an explosive, a destructive device, or other destructive substance in a building or transportation facility;

(2) there has been or there will be tampering with a consumer product introduced into commerce; or

(3) there has been or will be placed or introduced a weapon of mass destruction in a building or a place of assembly;

knowing the report to be false commits false reporting, a Class D felony.

(d) A person who:

(1) gives a false report of the commission of a crime or gives false information in the official investigation of the commission of a crime, knowing the report or information to be false;

(2) gives a false alarm of fire to the fire department of a governmental entity, knowing the alarm to be false;

(3) makes a false request for ambulance service to an ambulance service provider, knowing the request to be false;

(4) gives a false report concerning a missing child (as defined in IC 10-13-5-4) or missing endangered adult (as defined in IC 12-7-2-131.3) or gives false information in the official investigation of a missing child or missing endangered adult knowing the report or information to be false; or

(5) makes a complaint against a law enforcement officer to the state or municipality (as defined in IC 8-1-13-3) that employs the officer:

(A) alleging the officer engaged in misconduct while performing the officer's duties; and

(B) knowing the complaint to be false; or

(6) makes a false report of a missing person, knowing the report or information is false;

commits false informing, a Class B misdemeanor. However, the offense is a Class A misdemeanor if it substantially hinders any law enforcement process or if it results in harm to an innocent person."

Renumber all SECTIONS consecutively.

(Reference is to HB 1306 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

TINCHER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1312, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 0.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1387, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 9, delete "or drink;" and insert ", **drink, or adequate shelter;**".

(Reference is to HB 1387 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

HOY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1434, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause, begin a new paragraph and insert the following:

SECTION 1. IC 5-2-11-5, AS AMENDED BY P.L.44-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) As used in this section, "commission" means the commission for a drug free Indiana established by IC 5-2-6-16.

(b) Subject to subsections (c) and (d), a county fiscal body shall annually appropriate from the fund amounts allocated by the county legislative body for the use of persons, organizations, agencies, and political subdivisions to carry out recommended actions contained in a comprehensive drug free communities plan submitted by the local coordinating council and approved by the commission as follows:

- (1) For persons, organizations, agencies, and political subdivisions to provide prevention and education services, at least twenty-five percent (25%) of the money in the fund.
- (2) For persons, organizations, agencies, and political subdivisions to provide intervention and treatment services, at least twenty-five percent (25%) of the money in the fund.
- (3) For persons, organizations, agencies, and political subdivisions to provide criminal justice services and activities, at least twenty-five percent (25%) of the money in the fund.

(4) A county fiscal body shall annually appropriate the remaining money in the fund allocated by the county legislative body to be used by persons, organizations, agencies, and political subdivisions. **A county fiscal body shall allocate the remaining twenty-five percent (25%) of the money in the fund to persons, organizations, agencies, and political subdivisions to provide services and activities under subdivisions (1) through (3) based on the comprehensive drug free communities plan submitted by the local coordinating council and approved by the commission.**

(c) In the comprehensive drug free communities plan, the local coordinating council shall determine the amount of funds the county fiscal body shall appropriate to implement the objectives approved in the comprehensive drug free communities plan.

(d) If the comprehensive drug free communities plan is not approved by the commission, the county fiscal body may not appropriate any funds at the request of the local coordinating council or any other local entity.

(e) If funds are allocated by a county legislative body under subsection (b) and the commission has not approved the comprehensive drug free communities plan for the county, the commission may:

- (1) approve and appoint a new local coordinating council for the county;
- (2) freeze funds allocated by the county legislative body; or
- (3) reevaluate the comprehensive drug free communities plan.

(Reference is to HB 1434 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

V. SMITH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1456, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 1, delete "**tax.**" and insert "**tax if:**".

Page 2, between lines 1 and 2, begin a new line block indented and insert:

- "(1) the seller is the producer of the utility service and the purchaser is the end user; and**
- (2) the seller and the purchaser exist at the same location or adjacent locations."**

(Reference is to HB 1456 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 19, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1478, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 7.

Page 3, line 20, after "county" delete ";" and insert "**or the county assessor;**".

Page 3, line 21, after "books" insert "**and records**".

Page 3, between lines 23 and 24, begin a new paragraph and insert:

"(b) The actions of a contractor under subsection (a)(1) or (a)(2) must be limited in scope to the three (3) assessment years ending before January 1 of the calendar year in which the taxpayer receives notice of the contractor's actions. Notice provided under this section must be in writing and must list each year for which returns and other records may be reviewed under subsection (a). For purposes of this subsection, notice is considered to have been received by the taxpayer as of the date of the notice.

(c) IC 6-1.1-9-3 does not apply to a contractor's actions under subsection (a).".

Page 3, line 24, strike "(b)" and insert "(d)".

Page 3, line 34, delete ":" and insert "and in the following order:".

Page 3, line 35, delete "All" and insert "First, for all".

Page 3, between lines 35 and 36, begin a new line block indented and insert:

"(2) Second, for deposit in the county's reassessment fund. The amount deposited in the county's reassessment fund under this subdivision may not exceed twenty percent (20%) of the remaining money collected as a result of a contract entered into under this section."

Page 3, delete lines 36 through 40, begin a new paragraph and insert:

"(2) (e) After the payments required by ~~subdivision (f)~~ **subsection (d)** have been made and the contract has expired, the county auditor shall distribute all money remaining in the fund to the appropriate taxing units in the county using the property tax rates of each taxing unit in effect at the time of the distribution.".

Page 3, line 41, delete "(c)" and insert "(f)".

Page 4, line 3, delete "(d)" and insert "(g)".

Page 4, line 6, delete "(e)" and insert "(h)".

Renumber all SECTIONS consecutively.

(Reference is to HB 1478 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 19, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1505, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

BARDON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1521, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and local government.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-26-1-1, AS AMENDED BY P.L.210-2005, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The driver of a vehicle involved in an accident that results in the injury or death of a person or the entrapment of a person in a vehicle shall do the following:

(1) Immediately stop the driver's vehicle at the scene of

the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following:

(A) Gives the driver's name and address and the registration number of the vehicle the driver was driving.

(B) Upon request, exhibits the driver's license of the driver to the following:

(i) The person struck.

(ii) The driver or occupant of or person attending each vehicle involved in the accident.

(C) Determines the need for and renders reasonable assistance to each person injured or entrapped in the accident, including the removal or the making of arrangements for the removal of each:

(i) injured person to a physician or hospital for medical treatment; and

(ii) entrapped person.

(3) Immediately give notice of the accident by the quickest means of communication to one (1) of the following:

(A) The local police department if the accident occurs within a municipality.

(B) The office of the county sheriff or the nearest state police post if the accident occurs outside a municipality.

(4) Within ten (10) days after the accident, forward a written report of the accident to the:

(A) state police department, if the accident occurs before January 1, 2006; or

(B) bureau, if the accident occurs after December 31, 2005.

SECTION 2. IC 9-26-1-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.5. (a) If the driver of a vehicle is physically incapable of giving immediate notice of an accident as required by section 1(3) of this chapter and there is another occupant in the vehicle at the time of the accident capable of giving the notice, the occupant shall do the following:

(1) Immediately give notice of the accident by the quickest means of communication to one (1) of the following:

(A) The local police department if the accident occurs within a municipality.

(B) The office of the county sheriff or the nearest state police post if the accident occurs outside a municipality.

(2) Determine the need for and render reasonable assistance to each person injured or entrapped in the accident, including the removal or the making of arrangements for the removal of each:

(A) injured person to a physician or hospital for medical treatment; and

(B) entrapped person.

(b) If there is more than one (1) occupant in a vehicle described in subsection (a), it is a defense to a prosecution under this section that the accused occupant reasonably believed another occupant in the vehicle gave the notice and assistance not given by the driver.

SECTION 3. IC 9-26-1-2, AS AMENDED BY P.L.210-2005, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The driver of a vehicle involved in an accident that does not result in injury or death of a person or the entrapment of a person in a vehicle but that does result in damage to a vehicle that is driven or attended by a person shall do the following:

(1) Immediately stop the vehicle at the scene of the accident or as close to the accident as possible in a manner

that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following:

(A) Gives the driver's name and address and the registration number of the vehicle the driver was driving.

(B) Upon request, exhibits the driver's license of the driver to the driver or occupant of or person attending each vehicle involved in the accident.

(3) If the accident results in total property damage to an apparent extent of at least one thousand dollars (\$1,000), forward a written report of the accident to the:

(A) state police department, if the accident occurs before January 1, 2006; or

(B) bureau, if the accident occurs after December 31, 2005;

within ten (10) days after the accident.

SECTION 4. IC 9-26-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) If:

(1) the driver of a vehicle is physically incapable of making ~~an immediate~~ or a written report of an accident as required by this chapter; and

(2) there was another occupant in the vehicle at the time of the accident capable of making ~~an immediate~~ or a written report;

the occupant shall make or cause to be made the report not made by the driver.

(b) If:

(1) the driver of a vehicle is physically incapable of making an immediate or a written report of an accident as required by this chapter;

(2) there was no other occupant; and

(3) the driver is not the owner of the vehicle;

the owner of the vehicle involved in the accident shall, within five (5) days after the accident, make the report not made by the driver.

SECTION 5. IC 9-26-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. A person who **knowingly, intentionally, or recklessly** violates section 1(2)(C), 1(3), 1.5, 2(1), or 2(2) of this chapter commits a Class C misdemeanor."

Page 3, line 29, after "who," insert "**with intent to hinder a criminal investigation and**".

Page 3, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 8. IC 36-2-14-18, AS AMENDED BY P.L.141-2006, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) Notwithstanding IC 5-14-3-4(b)(1) **and subject to subsection (c)**, when a coroner investigates a death, the office of the coroner is required to make available for public inspection and copying **a report that contains the following information:**

(1) The name, age, address, sex, and race of the deceased.

(2) The address where the dead body was found, or if there is no address the location where the dead body was found and, if different, the address where the death occurred, or if there is no address the location where the death occurred.

(3) The name of the agency to which the death was reported and the name of the person reporting the death.

(4) The name of any public official or governmental employee present at the scene of the death and the name of the person certifying or pronouncing the death.

(5) Information regarding an autopsy (requested or performed) limited to the date, the person who performed the autopsy, where the autopsy was performed, and a conclusion as to:

(A) the probable cause of death;

(B) the probable manner of death; and

(C) the probable mechanism of death.

(6) The location to which the body was removed, the person determining the location to which the body was removed, and the authority under which the decision to remove the body was made.

(7) The records required to be filed by a coroner under section 6 of this chapter and the verdict and the written report required under section 10 of this chapter.

(b) A coroner shall complete a report described in subsection (a) not later than two (2) weeks after the date:

(1) the written autopsy report has been completed; or

(2) any other reports the coroner requested as part of the investigation of the death have been completed; whichever occurs last.

(c) A prosecuting attorney may submit a written application to the appropriate circuit or superior court for an order that requires the coroner to keep a report described in subsection (a) confidential. If an application for an order is submitted to circuit court under this subsection, the report described in subsection (a) must be kept confidential until the circuit court rules on the application. The court may issue an order that requires a report described in subsection (a) to be kept confidential only if the prosecuting attorney demonstrates by a preponderance of the evidence that making information in the report available to the public will create a significant risk of harm to the investigation of the death. When ruling on an application for an order submitted under this subsection, the court shall state its reasons in writing for granting or denying the application. If a court issues an order under this subsection that restricts public access to a report described in subsection (a), the order must not:

(1) be any more restrictive; or

(2) apply any longer;

than is necessary to eliminate the significant risk of harm to the investigation of the death.

(d) If a court issues an order under subsection (c), any person may submit a written application to the court that requests the court to rescind the order. If an application to rescind an order is submitted to a court under this subsection, the report described in subsection (a) must be kept confidential until the court makes a ruling concerning the application. A person who submits an application to a court under this subsection shall notify the appropriate prosecuting attorney that the application has been submitted. A hearing concerning an application may be conducted in camera to protect the confidentiality of information contained in the report. The court may rescind an order issued under subsection (c) only if the person who submitted the application demonstrates by a preponderance of the evidence that:

(1) the public interest will be served by making information in the report available to the public; and

(2) access to or dissemination of information in the report will not create a significant risk of harm to the investigation of the death.

When ruling on an application submitted under this subsection, the court shall state its reasons in writing for granting or denying the application.

(b)(e) A county coroner or a coroner's deputy who receives an investigatory record from a law enforcement agency shall treat the investigatory record with the same confidentiality as the law enforcement agency would treat the investigatory record.

(c)(f) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, video recording, or audio recording of the autopsy, upon the written request of the next of kin of the decedent or of an insurance company investigating a claim arising from the death of the individual upon whom the autopsy was performed. The insurance company is prohibited from publicly disclosing any information contained in the report

beyond that information that may otherwise be disclosed by a coroner under this section. This prohibition does not apply to information disclosed in communications in conjunction with the investigation, settlement, or payment of the claim.

(d) (g) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, video recording, or audio recording of the autopsy, upon the written request of:

- (1) the director of the division of disability and rehabilitative services established by IC 12-9-1-1;
- (2) the director of the division of mental health and addiction established by IC 12-21-1-1; or
- (3) the director of the division of aging established by IC 12-9.1-1-1;

in connection with a division's review of the circumstances surrounding the death of an individual who received services from a division or through a division at the time of the individual's death."

Page 4, after line 23, begin a new paragraph and insert:

"SECTION 16. [EFFECTIVE JULY 1, 2007] IC 9-26-1-1, IC 9-26-1-6, and IC 9-26-1-9, all as amended by this act, and IC 9-26-1-1.5, as added by this act, apply only to crimes committed after June 30, 2007."

Renumber all SECTIONS consecutively.

(Reference is to HB 1521 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

HOY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1525, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 24-9-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 4.5. Property Tax Disclosures for New Home Construction

Sec. 1. This chapter applies to a home construction contract entered into after June 30, 2007.

Sec. 2. As used in this chapter, "authority" refers to the Indiana housing and community development authority created by IC 5-20-1-3.

Sec. 3. As used in this chapter, "builder" has the meaning set forth in IC 32-27-2-6.

Sec. 4. As used in this chapter, "home buyer" means a person who enters into a home construction contract with a builder.

Sec. 5. As used in this chapter, "home construction contract" means a contract:

- (1) that is entered into by a builder and a home buyer; and
- (2) under which the builder agrees to construct a new home that the home buyer will occupy:
 - (A) as a residence; and
 - (B) as the first occupant of the new home.

Sec. 6. As used in this chapter, "new home" means a new dwelling occupied for the first time after construction.

Sec. 7. As used in this chapter, "prospective home buyer" means a person who contemplates entering into a home construction contract with a builder.

Sec. 8. (a) A builder may not enter into a home construction contract with a prospective home buyer unless the builder first gives the prospective home buyer a written

notice containing an estimate of the property taxes that:

- (1) will be owed by the prospective home buyer with respect to the new home that is the subject of the home construction contract; and
- (2) are based on an assessment of the new home made on the first assessment date after the construction of the new home is complete.

The estimate required by this section may not be based on an assessment of unimproved real estate.

(b) A builder shall give the notice required by subsection (a) on a form prescribed by the authority. The statement of the estimated property taxes described in subsection (a) must be made in at least sixteen (16) point font. The notice shall be signed in duplicate by both the builder and the prospective home buyer. The builder shall:

- (1) give at least one (1) of the signed notices to the prospective home buyer at the time of signing; and
- (2) retain at least one (1) of the signed notices for the file maintained in connection with the home construction contract.

(c) The authority shall prescribe and make available to builders the form described in subsection (b) not later than June 1, 2007.

SECTION 2. IC 24-9-4.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 4.6. Educational Materials for At Risk Home Buyers

Sec. 1. As used in this chapter, "at risk home buyer" means a person who:

- (1) has a credit score that is less than six hundred twenty (620), as determined by one (1) or more consumer reporting agencies (as defined in 15 U.S.C. 1681a(f)); and
- (2) seeks to obtain a home loan from a creditor.

Sec. 2. As used in this chapter, "authority" refers to the Indiana housing and community development authority created by IC 5-20-1-3.

Sec. 3. As used in this chapter, "credit score" has the meaning set forth in 15 U.S.C. 1681g(f)(2)(A).

Sec. 4. (a) As used in this chapter, "creditor" has the meaning set forth in IC 24-9-2-6.

(b) The term includes a builder (as defined in IC 32-27-2-6) that enters into a home loan with a borrower in Indiana.

Sec. 5. Not later than June 1, 2007, the authority shall prepare and make available to creditors written home ownership educational materials for use by at risk home buyers in Indiana.

Sec. 6. After June 30, 2007, a creditor may not enter into a home loan with an at risk home buyer unless the creditor first gives the at risk home buyer the educational materials prepared by the authority under section 5 of this chapter. The at risk home buyer shall sign a written acknowledgment that the at risk home buyer has received the educational materials. The acknowledgment shall be retained in the file maintained in connection with any home loan issued to the at risk home buyer by or on behalf of the creditor.

SECTION 3. An emergency is declared for this act.

(Reference is to HB 1525 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

BARDON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1555, has had the same under consideration and begs leave to report the same back to the

House with the recommendation that said bill be amended as follows:

Page 17, line 7, delete "bank or savings institution" and insert **"bank, a savings institution, or a trust company that is a wholly owned subsidiary of a bank or savings institution"**.

Page 20, line 38, delete "bank or savings institution;" and insert **"bank, a savings institution, or a trust company that is a wholly owned subsidiary of a bank or savings institution;"**.

(Reference is to HB 1555 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

BARDON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1595, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 19, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1623, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after "(a)" insert **"For purposes of this section, "highway work zone" has the meaning set forth in IC 8-23-2-15.**

(b)".

Page 1, line 3, after "The" insert **"Indiana"**.

Page 1, line 3, after "department" insert **"of transportation"**.

Page 1, line 8, delete "(b)" and insert **"(c)"**.

Page 1, line 8, delete "(a) may" and insert **"(b) shall"**.

Page 1, line 9, delete "a worksite, including".

Page 1, line 10, delete "(as defined in IC 8-23-2-15)".

Page 1, line 11, after "the" insert **"Indiana"**.

Page 1, line 11, delete ";" and insert **"of transportation;"**.

Page 1, line 14, after "(A)" insert **"Indiana"**.

Page 1, line 14, delete ";" and insert **"of transportation;"**.

Page 1, line 16, delete "worksite." and insert **"highway work zone."**

Page 2, line 23, delete "five (5)" and insert **"three (3)"**.

Page 2, line 27, delete "five (5)" and insert **"three (3)"**.

Page 2, line 27, delete "at least seven hundred fifty" and insert **"one thousand dollars (\$1,000)."**

(d) Notwithstanding IC 34-28-5-5(c), the funds collected as judgments for the infraction of violating a speed limit set under this section shall be transferred to the Indiana department of transportation to pay the costs of hiring off duty police officers to perform the duties described in IC 8-23-2-15(b)."

Page 2, delete lines 28 through 42.

Page 3, delete lines 1 through 3.

Page 3, line 7, delete "IC 9-21-8-56(b)(5)." and insert **"IC 9-21-8-56(d), (f), (g), and (h)."**

Page 3, line 36, delete "IC 9-21-8-56(b)(4)." and insert **"IC 9-21-8-56(d), (f), (g), and (h)."**

Page 3, line 39, delete ""worksite"" and insert **""highway work zone" has the meaning set forth in IC 8-23-2-15."**

Page 3, delete line 40.

Page 3, line 41, delete "(c)" and insert **"(f)"**.

Page 3, line 41, delete "(e), any of the" and insert **"(h), a person who recklessly operates a vehicle"**.

Page 3, line 42, delete "following, if committed".

Page 3, line 42, delete "worksite" and insert **"highway work zone"**.

Page 4, line 1, delete "present, is" and insert **"present commits"**.

Page 4, line 1, delete ":" and insert **","**.

Page 4, delete lines 2 through 13, begin a new paragraph and insert:

"(c) Except as provided in subsections (f) through (h), a person who knowingly, intentionally, or recklessly operates a motor vehicle in the immediate vicinity of a highway work zone when workers are present with the intent to:

(1) damage traffic control devices; or

(2) inflict bodily injury on a worker;

commits a Class A misdemeanor.

(d) Except as provided in subsections (f) through (h), a person who knowingly, intentionally, or recklessly engages in:

(1) aggressive driving, as defined in section 55 of this chapter; or

(2) a speed contest, as prohibited under IC 9-21-6-1; in the immediate vicinity of a highway work zone when workers are present commits a Class A misdemeanor.

(e) Except as provided in subsections (f) through (h), a person who recklessly fails to obey a traffic control device or flagman, as prohibited under section 41 of this chapter, in the immediate vicinity of a highway work zone when workers are present commits a Class A misdemeanor."

Page 4, line 14, delete "(c)" and insert **"(f)"**.

Page 4, line 14, delete "(b)" and insert **"(b), (c), (d), or (e)"**.

Page 4, line 16, delete "section;" and insert **"section in the previous five (5) years;"**.

Page 4, line 19, delete "(d)" and insert **"(g)"**.

Page 4, line 19, delete "(b)" and insert **"(b), (c), (d), or (e)"**.

Page 4, line 19, delete "C" and insert **"D"**.

Page 4, line 21, delete "(e)" and insert **"(h)"**.

Page 4, line 21, delete "(b)" and insert **"(b), (c), (d), or (e)"**.

Page 4, line 21, delete "B" and insert **"C"**.

Page 4, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 6. IC 34-28-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) A defendant against whom a judgment is entered is liable for costs. Costs are part of the judgment and may not be suspended except under IC 9-30-3-12. Whenever a judgment is entered against a person for the commission of two (2) or more civil violations (infractions or ordinance violations), the court may waive the person's liability for costs for all but one (1) of the violations. This subsection does not apply to judgments entered for violations constituting:

(1) Class D infractions; or

(2) Class C infractions for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8.

(b) If a judgment is entered:

(1) for a violation constituting:

(A) a Class D infraction; or

(B) a Class C infraction for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8; or

(2) in favor of the defendant in any case;

the defendant is not liable for costs.

(c) Except for costs, and except as provided in IC 9-21-5-11(d), the funds collected as judgments for violations of statutes defining infractions shall be deposited in the state general fund.

(d) A judgment may be entered against a defendant under this section or section 4 of this chapter upon a finding by the court that the defendant:

(1) violated:

- (A) a statute defining an infraction; or
- (B) an ordinance; or

(2) consents to entry of judgment for the plaintiff upon a pleading of nolo contendere for a moving traffic violation."

Renumber all SECTIONS consecutively.

(Reference is to HB 1623 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

AUSTIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1653, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

HOY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1656, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 9 and 10, begin a new line single block indented and insert:

"(8) All of the following as in effect before being voided by IC 6-1.1-3-22:

- (A) 50 IAC 4.3-2.**
- (B) 50 IAC 4.3-3.**
- (C) 50 IAC 4.3-11.**
- (D) 50 IAC 4.3-12."**

Page 1, line 10, delete "(8)" and insert "(9)".

Page 1, line 12, delete "filed" and insert "submitted for filing".

Page 2, line 6, delete "filed" and insert "submitted for filing".

Page 2, line 17, after "(i)" insert "IC 6-1.1-37-7,".

Page 2, line 17, after "IC 6-1.1-37-9" insert ",".

(Reference is to HB 1656 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 19, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1659, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 2-5-28 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 28. Joint Study Committee on Mass Transit and Transportation Alternatives

Sec. 1. As used in this chapter, "committee" refers to the joint study committee on mass transit and transportation

alternatives.

Sec. 2. The joint study committee on mass transit and transportation alternatives is established.

Sec. 3. The committee has the following membership:

- (1) The members of the standing senate committee on homeland security, transportation, and veterans affairs.**
- (2) The members of the house of representatives standing committee on transportation.**

Sec. 4. The chairs of the standing committees specified in section 3(1) and 3(2) of this chapter shall serve as co-chairs of the committee.

Sec. 5. The committee shall do the following:

- (1) Review Indiana department of transportation studies regarding mass transit that have been conducted by the department.**
- (2) Review federal legislative activity regarding development and expansion of mass transit as well as revenue streams on the federal level.**
- (3) Review mass transit initiatives of other states.**

Sec. 6. The committee shall report on and make recommendations concerning the following issues:

- (1) The need to use mass transportation to mitigate congestion.**
- (2) Ways to address the demand for workforce transportation that is reliable and secure.**
- (3) Ways to eliminate barriers to investment in mass transportation created by the current structure of transportation funding.**
- (4) Existing barriers to private investment in mass transportation facilities, including tax inequities.**
- (5) Effective ways of leveraging federal programs to supplement state funding of mass transportation.**
- (6) The relationship between land use and investment in mass transportation infrastructure.**
- (7) The role that mass transportation plays in promoting economic growth, improving the environment, and sustaining the quality of life.**

Sec. 7. The legislative service agency and the Indiana department of transportation shall provide support staff for the committee.

Sec. 8. The committee shall operate under the policies governing study committees adopted by the legislative council.

SECTION 2. [EFFECTIVE JULY 1, 2007] (a) As used in this SECTION, "department" refers to the Indiana department of transportation established by IC 8-23-2-1.

(b) Before December 1, 2007, the department shall commission four (4) studies concerning mass transit in each of the following regions:

(1) Central Indiana, consisting of the following counties:

- (A) Boone.**
- (B) Hamilton.**
- (C) Hancock.**
- (D) Hendricks.**
- (E) Johnson.**
- (F) Madison.**
- (G) Marion.**
- (H) Morgan.**
- (I) Shelby.**

(2) Northwest Indiana.

(3) Northeast Indiana.

(4) South central Indiana, including Monroe County.

(c) Each of the studies specified in subsection (b) must analyze the following aspects of mass transit systems:

- (1) The need to use public transportation to mitigate congestion.**
- (2) Ways to address the demand for workforce transportation that is reliable and secure.**
- (3) Ways to eliminate barriers to investment in public**

transportation created by the current structure of transportation funding.

(4) Existing barriers to private investment in public transportation facilities, including tax inequities.

(5) Effective ways of leveraging federal programs to supplement state funding of public transportation.

(6) The relationship between land use and investment in public transportation infrastructure.

(7) The role that public transportation plays in promoting economic growth, improving the environment, and sustaining the quality of life.

(8) Policies required to develop a mass transportation system to support a growing population and the state's economy for the foreseeable future

(9) Transit oriented development.

(10) Impact of mass transit on projected demographic patterns including age populations.

(11) Current and future commuter patterns in the identified counties.

(12) Current trends in mass transit.

(13) A review of federal activities in the area of mass transit.

(14) Funding options for pilot mass transit and alternative transit systems.

(d) The department shall require winning bidders for the studies required by subsection (b) to submit final reports by July 1, 2008.

(e) The department shall transmit the results of the studies required by subsection (b) to the public and, in an electronic format under IC 5-14-6, to the general assembly on or about July 1, 2008. If a winning bidder produces intermediate reports in the course of conducting a study, the department shall also transmit in a timely manner the results of those intermediate reports to the public, and in an electronic format under IC 5-14-6, to the general assembly and the governor.

(f) The department shall pay for the studies required by subsection (b) from money under the department's control, including money held in the following funds or accounts:

(1) Federal highway account.

(2) Federal transit account.

(3) State planning and research fund.

(4) State's portion of the public mass transit fund.

(g) The department's expenditures for a study required by subsection (b) may not exceed two hundred fifty thousand dollars (\$250,000).

(h) This SECTION expires January 1, 2009.

(Reference is to HB 1659 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

AUSTIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1664, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 7, between lines 31 and 32, begin a new paragraph and insert:

"Sec. 9. As used in this chapter, "residentially distressed area" means an area:

(1) that has a significant number of:

(A) dwellings (as defined in IC 6-1.1-20.9-1) within the area that are:

(i) not permanently occupied;

(ii) subject to an order issued under IC 36-7-9; or

(iii) evidencing significant building deficiencies; or

(B) vacant parcels of real property (as defined in IC 6-1.1-1-15); or

(2) that has experienced a net loss in the number of dwellings."

Page 7, line 32, delete "9." and insert "10."

Page 7, line 37, delete "10." and insert "11."

Page 7, line 41, delete "11." and insert "12."

Page 8, line 6, after "municipality." insert "The property maintenance area established under this section must be either:

(1) a residentially distressed area; or

(2) an area:

(A) that contains the types of property listed or defined in the PMA ordinance; and

(B) where the median assessed value of each type of property listed in clause (A) within the property maintenance area does not exceed the median assessed value for that type of property throughout the municipality."

Page 9, line 20, delete "12." and insert "13."

Page 9, line 28, delete "13." and insert "14."

Page 9, line 34, delete "14." and insert "15."

Page 10, line 7, delete "15." and insert "16."

Page 10, line 17, delete "16." and insert "17."

Page 10, line 29, delete "17." and insert "18."

(Reference is to HB 1664 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 17, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1717, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 0.

BARDON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1726, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

TINCHER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Energy and Utilities, to which was referred House Bill 1728, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

CROOKS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1762, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "from which water empties into" and

insert "if:

- (1) water from the ditch or drain empties into a lake before activities referred to in subsection (b) begin;**
- (2) water from the ditch or drain continues to empty into the lake at the same location after the activities are completed; and**
- (3) the activities are conducted using best management practices for soil and erosion control."**

Page 1, delete line 4.

(Reference is to HB 1762 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

BISCHOFF, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1804, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-40.5, AS ADDED BY P.L.109-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 40.5. "Proof of identification" refers to a document that satisfies all the following:

- (1) The document shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual's voter registration record.
- (2) The document shows a photograph of the individual to whom the document was issued.
- (3) The document includes an expiration date, and the document:

(A) is not expired; or

(B) expired after the date of the most recent general election.

- (4) The document was issued by **any of the following:**

(A) The United States. ~~or Notwithstanding subdivision (3), a document issued by the United States Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Indiana National Guard that:~~

(i) otherwise complies with the requirements of this section; and

(ii) has no expiration date or states that the document has an indefinite expiration date; is sufficient proof of identification for purposes of this title.

(B) The state of Indiana.

(C) An approved institution of higher learning (as defined in IC 20-12-21-3).

SECTION 2. IC 3-5-4.5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. **(a) This section applies to an absentee ballot cast by an individual confined in a long term care facility.**

(b) A person may not challenge the right of an individual to vote at an election by absentee ballot solely on the basis that the address on the individual's application for an absentee ballot differs from the address shown on the individual's voter registration record.

SECTION 3. IC 3-10-1-7.2, AS AMENDED BY P.L.164-2006, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.2. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at a primary election shall provide proof of

identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in a primary election, a member of the precinct election board shall ask the voter to provide proof of identification. The voter must produce the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification presented by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by IC 3-11-8.

(d) If the voter executes a challenged voter's affidavit under section 9 of this chapter or IC 3-11-8-22.1, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(e) A voter described by either of the following is not required to provide proof of identification before voting in a primary election:

(1) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides. is not required to provide proof of identification before voting in a primary election:

(2) A voter who executes an affidavit, in the form prescribed by the commission, affirming under the penalties of perjury that the voter satisfies either of the following:

(A) The voter is:

(i) indigent; and

(ii) unable to obtain proof of identification without the payment of a fee.

(B) The voter has a religious objection to being photographed."

Page 2, delete lines 41 through 42, begin a new paragraph and insert:

"SECTION 5. IC 3-11-3-22, AS AMENDED BY P.L.164-2006, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) Each county election board shall have printed in at least 14 point type on cards in English, ~~braille~~, and any other language that the board considers necessary, the following:

(1) Instructions for the guidance of voters in preparing their ballots.

(2) Instructions explaining the procedure for write-in voting.

(3) Write-in voting notice cards that must be posted in each precinct that utilizes a voting system that does not permit a voter to alter the voter's ballot after making a voting mark for a write-in candidate so that the voter may vote for a candidate for that office whose name appears on the ballot.

(b) The write-in notice cards described in subsection (a)(3) must inform all voters that a voter:

(1) who wants to cast write-in votes may cast the voter's ballot on the voting system required to be available to all voters in the precinct under IC 3-11-15-13.3(e); and

(2) may choose to cast the voter's ballot on the voting system described in subdivision (1) without being required to indicate to any individual that the voter wishes to cast a ballot on the voting system because the voter intends to cast a ballot for a write-in candidate.

(c) The board shall furnish the number of cards it determines to be adequate for each precinct to the inspector at the same time the board delivers the ballots for the precinct and shall furnish a magnifier upon request to a voter who requests a magnifier to read the cards.

SECTION 6. IC 3-11-4-17.5, AS AMENDED BY P.L.164-2006, SECTION 92, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.5. (a) Upon receiving an application for an absentee ballot, the county election board (or the absentee voter board in the office of the circuit court clerk) shall determine if:

- (1) the applicant is a voter of the precinct in which the applicant resides, according to the records of the county voter registration office;
- (2) the information set forth on the application appears to be true; and
- (3) the application has been completed and filed in accordance with Indiana and federal law.

If the members of the absentee voter board are unable to agree about any of the determinations described in subdivisions (1) through (3), the issue shall be referred to the county election board for determination. If the application is submitted by a voter wanting to cast an absentee ballot under IC 3-11-10-26, the voter shall be permitted to cast an absentee ballot, and the voter's absentee ballot shall be treated as a provisional ballot.

(b) If:

- (1) the applicant is not a voter of the precinct according to the registration record; or
- (2) the application as completed and filed:
 - (A) contains a false statement; or
 - (B) does not otherwise comply with Indiana or federal law;

as alleged under section 18.5 of this chapter, the county election board shall deny the application.

(c) ~~This subsection applies to an absentee ballot application submitted by an absent uniformed services voter or an overseas voter. In accordance with 42 U.S.C. 1973ff-1(d),~~ If the application is denied, the county election board shall provide the voter with the reasons for the denial of the application. Unless the voter is present when the board denies the application, the board shall send a written notice stating the reasons for the denial to the voter. The notice must be sent:

- (1) not later than forty-eight (48) hours after the application is denied; and
- (2) to the voter at the address at which the voter requested that the absentee ballot be mailed.

The notice must include information telling the applicant how the application can be corrected and can be approved, if possible.

(d) If the county election board determines that the applicant is a voter of the precinct under subsection (a), the board shall then determine whether:

- (1) the applicant was required to file any additional documentation under IC 3-7-33-4.5; and
- (2) the applicant has filed this documentation according to the records of the county voter registration office.

If the applicant has not filed the required documentation, the county election board shall approve the application if the application otherwise complies with this chapter. The board shall add a notation to the application and to the record compiled under section 17 of this chapter indicating that the applicant will be required to provide additional documentation to the county voter registration office under IC 3-7-33-4.5 before the absentee ballot may be counted.

(e) If the applicant:

- (1) is a voter of the precinct according to the registration record;
- (2) states on the application that the applicant resides at an address that is within the same precinct but is not the same address shown on the registration record; and
- (3) provides a voter identification number on the application to permit transfer of registration under IC 3-7-13-13;

the county election board shall direct the county voter registration office to transfer the applicant's voter registration address to the address within the precinct shown on the

application. The applicant's application for an absentee ballot shall be approved if the applicant is otherwise eligible to receive the ballot under this chapter.

SECTION 7. IC 3-11-8-25.1, AS AMENDED BY P.L.164-2006, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a member of the precinct election board shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(c) If:

- (1) the voter is unable or declines to present the proof of identification; or
 - (2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;
- a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22.1 of this chapter, the voter may:

- (1) sign the poll list; and
- (2) receive a provisional ballot.

(e) A voter described by either of the following is not required to provide proof of identification before voting in an election:

(1) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides. is not required to provide proof of identification before voting in an election:

(2) A voter who executes an affidavit, in the form prescribed by the commission, affirming under the penalties of perjury that the voter satisfies either of the following:

(A) The voter is:

(i) indigent; and

(ii) unable to obtain proof of identification without the payment of a fee.

(B) The voter has a religious objection to being photographed.

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

(1) The voter's name.

(2) Except as provided in subsection (k), the voter's current residence address.

(g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

(i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If

either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(j) If, in a precinct governed by subsection (g):

- (1) the poll clerk does not execute a challenger's affidavit; or
- (2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

(k) Each line on a poll list sheet provided to take a voter's current address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list.

SECTION 8. IC 3-11-10-4, AS AMENDED BY P.L.198-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Upon receipt of an absentee ballot, a county election board (or the absentee voter board in the office of the circuit court clerk) shall immediately examine the signature of the absentee voter to determine its genuineness.

(b) This subsection does not apply to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax or electronic mail under IC 3-11-4-6. The board shall compare the signature as it appears upon the envelope containing the absentee ballot with the signature of the voter as it appears upon the ~~application for the absentee ballot~~. **voter's affidavit of registration**. The board may also compare the signature on the ballot envelope with any other admittedly genuine signature of the voter.

(c) This subsection applies to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax or electronic mail under IC 3-11-4-6. The board shall compare the signature as it appears on the affidavit transmitted with the voter's absentee ballot to the voter's signature as it appears on the ~~application for the absentee ballot~~. **voter's affidavit of registration**. The board may also compare the signature on the affidavit with any other admittedly genuine signature of the voter.

(d) If a member of the absentee voter board questions whether a signature on a ballot envelope or transmitted affidavit is genuine, the matter shall be referred to the county election board for consideration under section 5 of this chapter.

SECTION 9. IC 3-11-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) If a county election board (or the absentee voter board in the office of the circuit court clerk) unanimously finds that the signature on a ballot envelope or transmitted affidavit is genuine, the board shall enclose immediately the accepted and unopened ballot envelope together with the voter's application for the absentee ballot in a large or carrier envelope. **The board may enclose in the same carrier envelope all absentee ballot envelopes and voter applications to be transmitted to the same precinct.**

(b) The envelope shall be securely sealed and endorsed with the name and official title of the circuit court clerk and the following words: "This envelope contains an absentee ballot and must be opened only at the polls on election day while the polls are open."

SECTION 10. IC 3-11-10-12, AS AMENDED BY P.L.164-2006, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Each county election board shall have all absentee ballots delivered to the precinct election boards at their respective polls on election day.

(b) The absentee ballots shall be delivered during the hours that the polls are open. ~~and in sufficient time to enable~~ The precinct election boards ~~to shall vote the ballots received~~ during the time the polls are open. **Any ballots received by the**

precinct election board after the polls are closed shall be returned to the county election board for counting under section 14 of this chapter.

(c) Along with the absentee ballots delivered to the precinct election boards under subsection (a), each county election board shall provide a list certified by the circuit court clerk. This list must state the name of each voter subject to IC 3-7-33-4.5 who:

- (1) filed the documentation required by IC 3-7-33-4.5 with the county voter registration office after the printing of the certified list under IC 3-7-29 or the poll list under IC 3-11-3; and

- (2) as a result, is entitled to have the voter's absentee ballot counted if the ballot otherwise complies with this title.

(d) If the county election board is notified not later than 3 p.m. on election day by the county voter registration office that a voter subject to IC 3-7-33-4.5 and not identified in the list certified under subsection (c) has filed documentation with the office that complies with IC 3-7-33-4.5, the county election board shall transmit a supplemental certified list to the appropriate precinct election board. If the board determines that the supplemental list may not be received before the closing of the polls, the board shall:

- (1) attempt to contact the precinct election board to inform the board regarding the content of the supplemental list; and

- (2) file a copy of the supplemental list for that precinct as part of the permanent records of the board.

(e) This subsection applies to a special write-in absentee ballot described in:

- (1) 42 U.S.C. 1973ff for federal offices; and
- (2) IC 3-11-4-12(a) for state offices.

If the county election board receives both a special write-in absentee ballot and the regular absentee ballot described by IC 3-11-4-12 from the same voter, the county election board shall reject the special write-in ballot and deliver only the regular absentee ballot to the precinct election board.

SECTION 11. IC 3-11-10-14, AS AMENDED BY P.L.198-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) Subject to section 11 of this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after the county election board has started the final delivery of the ballots to the precincts on election day **shall be delivered to the county election board for counting.**

(b) **An absentee ballot delivered to the county election board under subsection (a) shall be counted by the county election board if the ballot is not otherwise successfully challenged under this title.**

(c) **The election returns from the precinct shall be adjusted to reflect the votes on an absentee ballot required to be counted under subsection (b).**

(d) **Except as provided in subsection (e), absentee ballots received by the county election board after the close of the polls on election day are considered as arriving too late and need may not be delivered to the polls: counted.**

(e) **Absentee ballots received by the precinct election board as described in section 12(b) of this chapter after the close of the polls shall be returned to the county election board and be counted as provided in this section.**

SECTION 12. IC 3-11-10-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. At any time between the opening and closing of the polls on election day, the inspector, in the presence of the precinct election board, shall do all of the following:

- (1) Open the outer or carrier envelope containing an absentee ballot envelope and application.
- (2) Announce the absentee voter's name.
- (3) Compare the signature upon the ~~application~~ **voter's affidavit of registration** with the signature upon the

affidavit on the ballot envelope or transmitted affidavit attached to the ballot envelope.

SECTION 13. IC 3-11-10-26, AS AMENDED BY P.L.164-2006, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. (a) As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board:

- (1) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or
- (2) at a satellite office established under section 26.3 of this chapter.

(b) The voter must:

- (1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; and
- (2) provide proof of identification;

before being permitted to vote. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(c) The voter may vote before the board not more than ~~twenty-nine (29)~~ **twenty-eight (28)** days nor later than noon on the day before election day.

(d) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than ~~twenty-nine (29)~~ **twenty-eight (28)** days before the election and not later than noon on election day. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(e) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day.

(f) Notwithstanding subsection (e), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(g) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(h) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(i) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the board determines that the proof of

identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

the voter shall be permitted to cast an absentee ballot and the voter's absentee ballot shall be treated as a provisional ballot.

(j) The county election board, by unanimous vote of the entire membership of the board, may adopt a resolution providing that absentee ballots be cast at satellite offices instead of in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2).

SECTION 14. IC 3-11.5-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. At any time after the couriers return the certificate under section 9 of this chapter, absentee ballot counters appointed under section 22 of this chapter, in the presence of the county election board, shall, except for a ballot rejected under section 13 of this chapter:

- (1) open the outer or carrier envelope containing an absentee ballot envelope and application;
- (2) announce the absentee voter's name; and
- (3) compare the signature upon the ~~application with the signature upon the~~ affidavit on the ballot envelope or transmitted affidavit **with the signature on the voter's affidavit of registration.**

SECTION 15. IC 3-11.5-4-10, AS AMENDED BY P.L.198-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. Subject to section 7 of this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after ~~noon the close of the polls~~ on election day are considered as arriving too late and may not be counted.

SECTION 16. IC 3-11.5-4-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. If a voter has not returned an absentee ballot, the voter may vote in person. However, before the voter may vote, the voter must return the ballot to the **precinct election board or the** county election board. The absentee ballot shall be marked "canceled" and preserved with the rejected ballots.

SECTION 17. IC 3-11.7-5-2.5, AS ADDED BY P.L.103-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) A voter who:

- (1) was challenged under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26 as a result of the voter's inability or declination to provide proof of identification; and
- (2) cast a provisional ballot;

may personally appear before the circuit court clerk or the county election board not later than the deadline specified by section 1 of this chapter for the county election board to determine whether to count a provisional ballot.

(b) Except as provided in subsection (c), ~~or (c)~~, if the voter:

- (1) provides proof of identification to the circuit court clerk or county election board; and
- (2) executes an affidavit before the clerk or board, in the form prescribed by the commission, affirming under the penalties of perjury that the voter is the same individual who:

(A) personally appeared before the precinct election board; and

(B) cast the provisional ballot on election day;

the county election board shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened under section 4 of this chapter and processed in accordance with this chapter.

~~(c) If the voter executes an affidavit before the circuit court clerk or county election board; in the form prescribed by the commission; affirming under the penalties of perjury that:~~

~~(1) the voter is the same individual who:~~

~~(A) personally appeared before the precinct election board; and~~

~~(B) cast the provisional ballot on election day; and~~

(2) the voter:

(A) is:

(i) indigent; and

(ii) unable to obtain proof of identification without the payment of a fee; or

(B) has a religious objection to being photographed; the county election board shall determine whether the voter has been challenged for any reason other than the voter's inability or declination to present proof of identification to the precinct election board:

(d) If the county election board determines that the voter described in subsection (c) has been challenged solely for the inability or declination of the voter to provide proof of identification, the county election board shall:

(1) find that the voter's provisional ballot is valid; and

(2) direct that the provisional ballot be:

(A) opened under section 4 of this chapter; and

(B) processed in accordance with this chapter.

(e) (c) If the county election board determines that a voter described in subsection (b) or (c) has been challenged for a cause other than the voter's inability or declination to provide proof of identification, the board shall:

(1) note on the envelope containing the provisional ballot that the voter has complied with the proof of identification requirement; and

(2) proceed to determine the validity of the remaining challenges set forth in the challenge affidavit before ruling on the validity of the voter's provisional ballot.

(f) (d) If a voter described by subsection (a) fails by the deadline for counting provisional ballots referenced in subsection (a) to:

(1) appear before the county election board; and

(2) execute an affidavit in the manner prescribed by subsection (b); or (e);

the county election board shall find that the voter's provisional ballot is invalid.

SECTION 18. IC 3-12-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies to votes cast by any method.

(b) Except as provided in section 13 of this chapter, a ballot that has been marked and cast by a voter in compliance with this title but may otherwise not be counted solely as the result of the act or failure to act of an election officer ~~may nevertheless shall~~ be counted in a proceeding under IC 3-12-6, IC 3-12-8, or IC 3-12-11 unless evidence of fraud, tampering, or misconduct affecting the integrity of the ballot is presented. ~~by a party to the proceeding.~~

(c) The act or failure to act by an election officer is not by itself evidence of fraud, tampering, or misconduct affecting the integrity of the ballot.

SECTION 19. IC 3-12-4-18, AS AMENDED BY P.L.221-2005, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. If electronic voting systems are used in a precinct, the county election board may ~~request authorization from the state recount commission to~~ inspect the registering counter or other recording device on any electronic voting system showing the number of votes cast for any candidate or public question. ~~If authorized by the state recount commission,~~ The board may conduct an inspection either before it proceeds to count and tabulate the vote or within one (1) day after the count and tabulation are finished.

SECTION 20. IC 5-10.1-2-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: Sec. 9.

(a) Services performed by an election official or an election worker for calendar year 2007 in which the remuneration paid for such services is less than one thousand three hundred dollars (\$1,300), and for each calendar year after 2007 in which the remuneration paid is less than the adjusted

amount, as described in subsection (b), beginning with services performed in the year that this modification was mailed or delivered by other means to the Commissioner of Social Security.

(b) The one thousand three hundred dollar (\$1,300) limit on the excludable amount of remuneration paid in a calendar year for the services specified in this modification will be subject to adjustment for calendar years after 2007 to reflect changes in wages in the economy without any further modification of the agreement, with respect to such services performed during such calendar years, in accordance with Section 218(c)(8)(B) of the Social Security Act.

(c) This exclusion applies to all coverage groups of the state and its political subdivisions currently (as of the date this modification is executed), including under this agreement and to which the agreement is hereafter made applicable.

SECTION 21. IC 20-23-8-10, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) A change in a plan may be initiated by one (1) of the following procedures:

(1) By filing a petition signed by at least ~~twenty ten~~ percent (20%) (10%) of the active voters (as defined in IC 3-5-2-1.7) of the school corporation with the clerk of the circuit court.

(2) By a resolution adopted by the governing body of the school corporation.

(3) By ordinance adopted by a city legislative body under section 13 of this chapter.

(b) A petition, resolution, or ordinance must set forth a description of the plan that conforms with section 7 of this chapter.

(c) Except as provided in subsection (a)(1), in a city having a population of more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000), a change in a plan may be initiated by filing a petition signed by ten percent (10%) or more of the voters of the school corporation with the clerk of the circuit court.

SECTION 22. IC 20-23-8-14, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) Not more than ten (10) days after a governing body has:

(1) initiated;

(2) approved; or

(3) disapproved;

a plan initiated by the petition filed with it, the governing body shall publish a notice one (1) time in a newspaper of general circulation in the county of the school corporation. If a newspaper of general circulation is not published in the county of the school corporation, the governing body shall publish a notice one (1) time in a newspaper of general circulation published in a county adjoining the county of the school corporation.

(b) The notice must set out the text of a plan initiated by the governing body or another plan filed with the governing body before the preparation of the notice. The notice must also state the right of a voter, as provided in this section, to file a petition for alternative plans or a petition protesting the adoption of a plan or plans to which the notice relates.

(c) If the governing body fails to publish a notice required by this section, the governing body shall, not more than five (5) days after the expiration of the ten (10) day period for publication of notice under this section, submit the petition that has been filed with the clerk to the state board, whether or not the plan contained in the petition or the petition meets the requirements of this chapter.

(d) Not later than one hundred twenty (120) days after the publication of the notice, voters of the school corporation may file with the clerk a petition protesting a plan initiated or approved by the governing body or a petition submitting an

alternative plan as follows:

(1) A petition protesting a plan shall be signed by at least ~~twenty ten percent (20%)~~ **(10%)** of the **active voters (as defined in IC 3-5-2-1.7)** of the school corporation or five hundred (500) voters of the school corporation, whichever is less.

(2) A petition submitting an alternative plan ~~shall~~ **must** be signed by at least ~~twenty ten percent (20%)~~ **(10%)** of the **active voters (as defined in IC 3-5-2-1.7)** of the school corporation.

A petition filed under this subsection shall be certified by the clerk and shall be filed with the governing body in the same manner as is provided for a petition in section 11 of this chapter.

(e) The governing body or the voters may not initiate or file additional plans until the plans that were published in the notice or submitted as alternative plans not later than one hundred twenty (120) days after the publication of the notice have been disposed of by:

- (1) adoption;
- (2) defeat at a special election held under section 16 of this chapter; or
- (3) combination with another plan by the state board under section 15 of this chapter.

SECTION 23. IC 3-14-2-29 IS REPEALED [EFFECTIVE UPON PASSAGE].

SECTION 24. **An emergency is declared for this act."**

Delete page 3.

Renumber all SECTIONS consecutively.

(Reference is to HB 1804 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

PIERCE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1818, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 0.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1830, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning transportation and to make an appropriation.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE JULY 1, 2007] (a) **As used in this SECTION, "fund" refers to the major moves construction fund established by IC 8-14-14-5.**

(b) **Notwithstanding IC 8-14-14-5, during each month of the state fiscal years beginning July 1, 2007, and July 1, 2008, the auditor of state shall distribute to the treasurer of state all of the interest, premiums, and other earnings that accrue from investment of the fund during the month until the total amount distributed during the fiscal year equals thirty million dollars (\$30,000,000). The treasurer of state shall deposit the distributions made under this SECTION in the local road and street account established under IC 8-14-2-4.**

(c) **The remainder of the interest, premiums, and other earnings that accrue from investment of the fund after the completion of the distributions described in subsection (b) shall be deposited in the fund as provided by IC 8-14-14-5.**

(d) **There is annually appropriated from the interest, premiums, and other earnings accruing to the fund an amount sufficient to make the distributions to the local road and street account required by subsection (b).**

(e) **This SECTION expires July 1, 2009.**

(Reference is to HB 1830 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 5.

AUSTIN, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1008, 1207, 1218, 1254, 1548, 1687, 1720, 1753, 1830, and 1835 had been referred to the Committee on Ways and Means.

Reassignments

The Speaker announced the following reassignments:

House Bill 1067 from the Committee on Rules and Legislative Procedures to the Committee on Ways and Means.

House Bill 1480 from the Committee on Rules and Legislative Procedures to the Committee on Ways and Means.

House Bill 1822 from the Committee on Rules and Legislative Procedures to the Committee on Interstate and International Cooperation.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 42, 163, 212, 247, 292, 337, and 471 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 15 and the same is herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1042, Roll Call 117, on February 15, 2007. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the yea button. I intended to vote nay."

WALORSKI

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 117 to 85 yeas, 6 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1167, Roll Call 120, on February 15, 2007. In support

of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently push the nay button. I intended to vote yea."

EBERHART

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 120 to 78 yeas, 15 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on Representative Torr's second reading amendment to House Bill 1237, Roll Call 132, on February 15, 2007. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, my vote was not correctly recorded. I intended to vote yea."

DUNCAN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 132 to 74 yeas, 19 nays.*]

HOUSE MOTION

Mr. Speaker: I move that Representative T. Brown be added as coauthor of House Bill 1008.

C, BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Saunders and Davis be added as coauthors of House Bill 1140.

HERRELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Hoy and Dvorak be added as coauthors of House Bill 1192.

ULMER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1214.

PIERCE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Noe be added as coauthor of House Bill 1274.

HERRELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Robertson be added as coauthor of House Bill 1428.

HOY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Stevenson and Borders be added as coauthors of House Bill 1434.

CANDELARIA REARDON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives McClain and Tyler be added as coauthors of House Bill 1470.

RESKE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Ulmer, Bardon, and Dembowski be added as coauthors of House Bill 1509.

L. LAWSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Wolkins be removed as coauthor and Representative Neese be added as coauthor of House Bill 1521.

MOSES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dickinson be added as coauthor of House Bill 1563.

CRAWFORD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Buck be added as coauthor of House Bill 1633.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Elrod and C. Brown be added as coauthors of House Bill 1654.

DEMBOWSKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Niezgodski be added as coauthor of House Bill 1659.

AUSTIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Walorski be added as coauthor of House Bill 1726.

DEMBOWSKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1728.

NIEZGODSKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative E. Harris be added as author of House Bill 1822.

E. HARRIS

Motion prevailed.

February 15, 2007

House 429

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Summers, the House adjourned at 6:30 p.m., this fifteenth day of February, 2007, until Monday, February 19, 2007, at 1:00 p.m.

B. PATRICK BAUER
Speaker of the House of Representatives

CLINTON McKAY
Principal Clerk of the House of Representatives